

Law Enforcement News

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Still wondering after 5 years Disabilities law continues to perplex police agencies

By Jacob R. Clark
and Stephen Donohue

From the time the landmark Americans With Disabilities Act was signed into law by former President George Bush on July 26, 1990, through the final adoption of its provisions two years later, some law enforcement officials have wondered aloud whether the law would require their agencies to hire paraplegic police officers or heroin-addicted detectives.

Some still wonder, even though, five years after the ADA's enactment, those initial fears have not been realized. Nonetheless, there continues to be much confusion about the effect of the statute, which bars discrimination against disabled persons in all aspects of employment.

"It's five years old and we're just getting a sense of its impact," noted attorney Paula N. Rubin, a visiting fellow at the National Institute of Justice who has published several research monographs on the disabilities act and criminal justice. "Some of the myths have evaporated over the past five years, and they weren't limited to the criminal justice profession. It was every employer thinking outrageous things would happen."

Much of the concern about the act's impact on law enforcement agencies has centered on screening and selection processes. The ADA prohibits discrimination against qualified individuals with a disability, but qualified applicants must be able to meet the requirements needed to perform the essential functions of the job.

Under the ADA, the standards must be shown

to be job-related, which is why it is important for law enforcement agencies to establish job descriptions that define the essential functions of each position.

"The bottom line is that the person has to be qualified for the job," said Rubin, "and that means whether they can perform the essential functions for the job. In law enforcement, you can look at forcible arrests or driving a car [as essential functions], and if somebody can't make a forcible arrest, they're not qualified for the job."

By far the ADA's biggest impact on law enforcement selection practices involves medical examinations and disability-related inquiries. All employers must make a conditional offer of employment to applicants before requiring them to undergo medical tests or other evaluations that might involve disclosure of disabilities.

This provision forced law enforcement "to revisit their screening and selection policies," with most holding off on any medical or physical exams until making a conditional offer of employment, Rubin said. "Public safety agencies have had to restructure the order of their application and selection process because of that provision of the ADA."

The bar on medical screening before a job offer is made "has caused the most consternation to the hiring authorities," echoed Robbie Robbins, a member of the legislative committee at the National Fraternal Order of Police, who regularly fields questions from law enforcement agencies about the ADA.

In Philadelphia, for example, the selection

process for applicants to the Police Department consists of a written examination, orientation, background investigation, conditional offer of employment, medical/drug use screening and psychological examination, said Charles Dougherty, chief of selection for the city's Department of Personnel, which oversees public safety hiring.

"Before [ADA], we could just bring people in and do the tests before making the job offer," Dougherty added. "It has impacted us as far as our ability to get people through the process quickly."

It also adds to personnel costs, Robbins said. "The expense is the biggest problem, what with the background checks and going through all of the other procedures. Then when you get to medical questions that may disqualify the applicant for the job, you've wasted all of that money."

But the prohibition on medical or disability-related questions applies to every test and procedure conducted during the selection process, Rubin pointed out.

"A good rule of thumb is that questions that would disclose information regarding a disability, whether asked on an application or during an interview, may be construed as a medical exam or disability-related inquiry," she wrote in the monograph "The Americans With Disabilities Act and Criminal Justice: Hiring New Employees," which NJ published last October. "This holds true for any test, procedure or performance exam that would disclose information regarding

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Heat wave is a killer, but it doesn't wilt the resolve of Chicago police

The heat was on Chicago officials over the city's handling of an unprecedented heat wave that killed more than 550 residents in July, but the Chicago Police Department got high marks for its efforts at keeping those most vulnerable to the deadly temperatures — the elderly — cool.

Officials say the actions of police probably saved an untold number of lives.

While the entire department was mobilized to deal with the two-week-long spell of heat, during which temperatures rose to over 100 degrees on several days, much of the critical response fell to the city's "senior citizens officers."

At least one senior citizen officer is assigned to each of the city's 25 police districts, said Chicago police spokesman Paul Jenkins. During the heat emergency, they provided crucial outreach services, such as conducting telephone checks on seniors to make sure they were all right and transporting those without air-conditioning to city-sponsored "cooling centers" — facilities that included several police district headquarters, Jenkins told Law Enforcement News last month.

The city's community policing effort, known as the Chicago Alternative Policing Strategy, or CAPS, decentral-

ized the senior citizens officer unit, which was formerly based at police headquarters in downtown Chicago. By ensuring that the officers were spread throughout the city, the decentralization probably helped the department keep closer tabs on the city's elderly, Jenkins said.

"We think they work more effectively and proactively knowing what the concerns are in the neighborhood that they serve," Jenkins said, adding that the officers had begun making preparations in May for hot weather and had held meetings with local seniors groups to advise them of services available to them in the event a heat

emergency was declared. "Before the heat was even mentioned, we had them distributing brochures to the elderly [about precautions]."

During the weekend of July 18-20, at the height of the heat wave, each district deployed officers whose sole duty was to transport residents to cooling centers. "We had them throughout the city, including district headquarters," said Jenkins. "People were welcome to stay there until it cooled off. They could stay overnight if they wanted to — there were cots set up."

Officers also delivered fresh water to shut-ins, broadcast heat-related

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What They Are Saying:

"The bottom line is that the person has to be qualified for the job, and that means whether they can perform the essential functions for the job."

— Paula N. Rubin, visiting fellow at the National Institute of Justice, on concerns about police hiring practices under the Americans with Disabilities Act. (1:3)

Video entrance exam fails to do the trick for Seattle PD

An entry-level police exam that uses video to rate applicants' judgment and their reaction to hypothetical situations they might face as officers was supposed to increase the pool of minority recruits when it was administered by the Seattle Police Department.

Police officials now admit that that didn't happen. In fact, a higher number of minorities failed to make the cutoff

point, as did significant numbers of women, according to Assistant Police Chief Ed Joiner.

A comparison of scores for all groups who took the video test, which was administered for the first time in March, with those of applicants who had taken a written exam in May 1994 show that most did poorly on the new test. Overall, the pass rate for the video test was 27 percent, compared to 89 percent in

the prior exam. Both tests used a 70-percent cutoff point as the passing score.

Minorities achieved particularly low scores on the new test, according to figures from the Public Safety Civil Service Commission. Blacks had an 8.8-percent pass rate, while just over 8 percent of Asian applicants passed. On the prior written test, 74 percent of

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Around the Nation

Northeast



CONNECTICUT — The state Supreme Court on July 25 upheld Connecticut's ban on assault weapons -- the first time a state with a right to self-defense in its Constitution has had such a ban pass legal muster. The law bans the sale and possession of weapons capable of fully automatic, semi-automatic or burst fire, along with 67 semiautomatics identified by brand. The court rejected arguments that the ban infringed on the right to bear arms, harmed manufacturers by banning weapons by brand, and defined other weapons too vaguely.

DELAWARE — Kevin Howard, an accused serial rapist who has allegedly preyed on New Castle women since 1991, was charged July 25 in a 21-count indictment.

DISTRICT OF COLUMBIA — One arrest was reported on the first day of a new juvenile curfew. Teen-agers were given a two-week grace period to get used to new rules requiring them to be off the streets between 12:01 A.M. and 6 A.M. on weekends and between 11 P.M. and 6 A.M. on weekdays.

Donzell Michael McCauley avoided the death penalty in July when he admitted to the murder of District Police Officer Jason E. White and accepted a term of life imprisonment without parole. White, 25, was shot four times in the face and chest just after Christmas in 1993. U.S. Attorney Eric H. Holder Jr. based his decision not to seek the death penalty on his belief that the trial of a black defendant accused of shooting a white police officer would have been "painful and potentially divisive" for the city.

MAINE — An out-of-uniform police officer may stop drunken driving suspects, the Maine Supreme Judicial Court ruled unanimously on July 13. The case stems from a decision by a lower court to suppress evidence in the April 1994 drunken driving arrest of David Lemieux. The District Court ruled that Biddford Police Officer Todd Labonte lacked the authority to pull Lemieux over as a plainclothes officer in an unmarked car.

State Trooper James Wright pleaded not guilty July 26 to charges of engaging in sexual acts with a 14-year-old girl. Wright was placed on unpaid leave. His attorney, Pamela Ames, maintains that the charges are false and were made "for retaliatory purposes."

MASSACHUSETTS — A 16-year-old Lowell teenager, Douglas Wilson, was arraigned July 31 for the murder of Matthew Andrade after a brawl. The murder ended the city's first year-long period without a murder in 25 years.

Some 130,000 domestic-violence restraining orders - or one every ten minutes - have been issued by state courts since a tally began in 1992.

Retired Winthrop Police Chief Angelo LaMenica, 56, has admitted to taking \$100 a week in bribes over a 14-year period - a total of \$70,000 - from the owners of a video poker company,

in exchange for ignoring illegal gambling clubs.

NEW JERSEY — A State Police report issued July 30 says 574 carjackings were committed in the state in 1994, the first year that statewide data on the problem have been compiled. Two of the carjackings resulted in murder, and more than half of the stolen vehicles were recovered.

NEW YORK — Retired New York City Housing police officer, Jonas Bright, was sentenced Aug. 1 to a maximum four-year sentence for the 1992 murder of a motorist on the Lower East Side. Bright is the second police officer since 1977 to be convicted of on-duty homicide. Bright is black; his victim, Douglas Orfaly, 29, was white. Bright said he shot Orfaly accidentally when Orfaly's car, which was stopped at a light, jerked backwards. His testimony was contradicted by a passenger in Orfaly's car who said that the car did not move backwards and that Orfaly had his hands up.

Serious crimes in New York City's housing projects fell by more than 20 percent during the past seven months, according to police. Murders decreased by 22 percent, and robberies were down by nearly 23 percent. The only major crime to rise during the same period was rape, up by 5.7 percent. In a related development, a \$40.5-million Federal grant was awarded to New York City on July 31, which, in addition to funding more police at the city's housing projects, will help to pay for drug treatment and prevention programs at the projects.

New York Gov. George Pataki signed two controversial pieces of legislation during the summer, including a bill that will suspend for a year any student found carrying a gun to school. The signing of another bill that would set up a statewide sex-offender registry came just hours after the New Jersey Supreme Court upheld the constitutionality of a similar law in that state.

Officials from the New York City Health Department and the U.S. Occupational Safety and Health Administration will conduct tests at the 83rd Precinct in Brooklyn to try to find the cause of a mysterious outbreak of cancer that has killed at least four officers over the past three years. One other officer and a civilian employee at the precinct have been diagnosed with cancer as well.

New York City Dep. Insp. William J. Dwyer was stripped of his command of the 84th Precinct in July after apparently showing up under the influence of alcohol for an early-morning strategy meeting. Dwyer, a 30-year veteran who opted to retire, had taken command of the precinct in February 1993. In a related development, New York City Police Commissioner William Bratton is planning to create a video that would be sent to the homes of officers suspected of having an alcohol problem. The video would hopefully spur family members into taking action.

PENNSYLVANIA — Three Philadelphia police officers were suspended July 19 for their role in arresting a fugitive felon at the altar as he was getting married. The officers were also ordered by Police Commissioner Rich-

ard Neal to undergo sensitivity training, a move that outraging police union officials who felt Neal should have waited for the outcome of an internal investigation. The felon, Rufus Lawson, was convicted in absentia in June on robbery charges. He faces a sentence of five years.

The top cause for death for Allegheny County youths between the ages of 15 and 24 is murder, according to a health study released in July. Both infant mortality rates and suicides among teens are down, however.

Ex-Whitpain Township police officer Thomas Kern was sentenced July 25 to a maximum of 18 months in jail for spanking a teenage boy he pulled over in a traffic stop.

A grant of more than \$2 million has been awarded to the Pittsburgh Bureau of Police through the U.S. Justice Department's Office of Community Oriented Policing Services (COPS). The grant will enable the department to purchase office automation and records management systems and thereby redeploy some 106 officers.

Southeast



ALABAMA — State lawmakers voted 100-0 for a bill that will stop the practice of making rape victims pay for their own evidence-gathering exams. Alabama was the only state to make victims pay for the exams, which cost \$350 on average, but can run as high as \$1,200. Under the legislation, the Alabama Crime Victims Compensation Commission would underwrite the cost of the exams.

State inmates working on chain gangs will now be breaking up rocks as well as cleaning up interstate highways. Prison Commissioner Ron Jones has ordered Limestone Correctional Facility warden Ralph Hooks to purchase 80 sledgehammers and safety goggles that teams will use to smash quarry rocks into pea-size bits of gravel. By the end of July, said Hooks, 160 of the 400 inmates assigned to daily chain gangs will begin manually crushing rocks hauled to the prison from quarries near Huntsville and Guntersville.

Four men have been charged with capital murder in the fatal shooting on July 19 of Jefferson County Deputy William Hardy. Quintez "Fella" Wilson, 20, of Pratt City; Tofores Onesha Johnson, 22, of Pratt City; Ardragus D. "Drag" Ford, 21; and Omar Rahman Berry, 22, are all being held in the Jefferson County Jail without bond. While there has been speculation that Hardy was killed after he confronted people involved in drug dealing, Sheriff's Department officials declined to discuss details of the shooting until the trial for fear of hindering prosecution. Investigators are still probing the case, and may anticipate further arrests.

The Legislature voted unanimously July 31 to lower the state's blood-alcohol level for drunken driving to .08 percent. Gov. Fob James has said he will sign the measure.

ARKANSAS — Little Rock parents whose children are truant in kindergarten through third grade may have to attend school with the children to avoid fines of up to \$50, said City Judge Bill Watt in July. The program will begin this coming school year.

FLORIDA — A carjacking victim forced into the trunk of his Lexus in Coral Springs in July fatally shot his attacker with guns that he kept in the trunk. Paul Brite, 53, will not be charged, said police, if his account checks out. Brite was at a carwash when Carl Reese, 21, forced him into the trunk at gunpoint. Fearing a cellular phone, Reese stopped the car and opened the trunk where he was confronted by Brite, holding two handguns. Brite said he fired two warning shots and then shot Reese in the stomach when he reached towards his pocket. Reese, police said, had a long record of carjacking and was wanted for violating probation on a robbery charge.

GEORGIA — The Macon Police Department is implementing a program that would allow officers to live rent-free in city-owned housing in exchange for working with at-risk youth for 24 hours a month.

LOUISIANA — Twelve parish and local jails that hold state inmates have until Sept. 1 to meet fire and health code standards or face losing the \$21 a day they receive from the state to house each inmate.

A New Orleans police officer continues to assert his innocence of charges that he forced a Tulane University student to perform oral sex. Officer Abreace Daniel was charged with sexual battery and false imprisonment on March 14, but a grand jury subsequently indicted him only on a charge of malfeasance, a felony that carries a maximum penalty of five years. The 20-year-old student told investigators that Daniel stopped the car she was driving in and told the driver and another passenger that they would be in trouble for drinking with a woman under 21. They took off. Daniel then told the woman he was taking her home, but stopped in a vacant lot and had oral sex with her before driving her back to the university's campus. The woman called police and filed a complaint a short time later. Daniel, who has never faced any disciplinary charges or complaints in the past, has denied the incident. He took the woman home, but did not have sex with her, said his attorney.

New Orleans Police Officer Victor Gant, 33, is now a suspect in the murder of both his girlfriend, Sharon Robinson, and another woman, Karen Ivester, whose body was found just a month after Robinson's in May, and only a mile from where investigators found Robinson's body. The FBI has joined local detectives in investigating the case, which could turn on DNA evidence found near the scene. In the meantime, Gant continues to report to his patrol job in the 7th Police District.

NORTH CAROLINA — A bill requiring sex offenders to register with sheriffs was passed into law in July.

SOUTH CAROLINA — A program using inmates to pickup trash has been expanded statewide to eight work-release centers. The state will save an

estimated \$1.7 million by using inmates instead of private contractors to do the work.

Ninety-four fugitives were arrested at Greenville's Memorial Auditorium in July in a sting operation. The fugitives received invitations saying they had won money, sporting goods, and tickets to sporting events.

TENNESSEE — Memphis Police Major James Williams faces drunken driving charges in connection with the death of a fireman on an emergency run. Police say Williams was off-duty when a vehicle he was driving hit Bobby Russell Jr., then left the scene.

VIRGINIA — The number of guns recovered by police in the Northeast and traced back to Virginia dealers has fallen from 35 percent to 15 percent since the enactment a year ago of a state law limiting people to one handgun purchase per month, the Center to Prevent Handgun Violence said in August.

Midwest



ILLINOIS — Chicago Police Officer Gregory Becker, 34, was charged in August with involuntary manslaughter in the shooting death of a homeless man who wanted to wash Becker's windshield for money.

Belleville's first black police officer began work on Aug. 7. William Clay 3d is the first of 28 black and female municipal workers the city must hire under an agreement with the U.S. Justice Department.

INDIANA — Fort Wayne police and senior citizens have joined together to form a partnership, called Triad, which will fight crime and protect the elderly. Similar programs are already operating in 22 states.

KENTUCKY — Funeral services were held July 27 for Owensboro police Sgt. Steve Miller, 42, who drowned July 21 after a boat he was in collided with a barge on the Ohio River.

Covington officials voted July 18 to use \$15,000 in Federal funds to resume patrols on I-75's "Death Hill." The 55-mph speed limit is routinely broken along the dangerous stretch of roadway, said police.

MICHIGAN — A Monroe County sheriff's lieutenant was awarded a \$4-million settlement July 13 by a court mediation panel in a suit filed against the county, the sheriff, undersheriff, the sheriff's department, and others. The suit filed by Lieut. Michael B. Davison alleged that he and his wife, a county employee, were harassed and had their civil rights violated in retaliation for Davison's participation in a past lawsuit against the department and for his cooperation in an investigation of possible wrongdoing by department officials. Davison won a similar suit in 1992 that stemmed from an illegal search of his home and allegations that Davison had lied on the stand and tampered with evidence during a drug trial. A Federal jury in that case

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awarded the Davisons \$106,000.

Murders hit an 11-year low in 1994, according to a report released July 24 by the State Police. Overall violent crime in the state dropped by 4.1 percent last year.

OHIO — An unrepentant 11-year-old boy who participated in the murder of a Mount Auburn neighbor may be eligible for release from a juvenile facility in less than a year. Jason Davis was charged with helping his mother beat their neighbor, 44-year-old Lynda Voner, on June 10. Voner later succumbed to a heart attack doctors said was brought on by the beating. Davis was charged with third-degree manslaughter in exchange for an admission of guilt. His mother, Leotis Davis, is charged with involuntary manslaughter. The fatal attack stemmed from a dispute between Voner and the Davises over the boy's six dogs.

Aircraft used by the State Highway Patrol need not be marked to identify them as police vehicles, the state Supreme Court ruled July 18. The court unanimously upheld the convictions of two truck drivers who tried to block the testimony of pilot William Watkins. Watkins had spotted the truckers speeding and radioed the information to a trooper who gave them a ticket.

WEST VIRGINIA — Nearly 50 people have been netted in sting operations by Charleston police posing as hookers or prospective clients.

WISCONSIN — A union leader for prison guards at Kettle Moraine Correctional Institution in Sheboygan blamed prison overcrowding, a lack of guards, and too much idle time on a recent incident involving the use of chemical agents to subdue two barricaded prisoners.

ported to the hospital in the trunk of a Minneapolis police squad car. Responding to a complaint about three intoxicated men on April 17, 1993, Officers Marvin Shumer and Michael Lardy initially put one man in the car and called an ambulance for Charles Lone Eagle and Jack Boney. But the officers canceled the ambulance and just put the two men in the trunk for the two-block drive to the Hennepin County Medical Center.

Minneapolis Police Officer Paul Moen, 53, who died in the line of duty July 1 after struggling with a suspect who allegedly got violent with police officers trying to break up a fight. The cause of death was heart disease and high blood pressure, said the Hennepin County medical examiner's office. Moen, a 25-year veteran, was on the verge of retiring.

A former police records clerk in St. Francis was awarded \$135,000 July 18 to settle a sexual-harassment suit. Brenda Stanek said officers handcuffed her in a closet and made her watch sexual explicit videos.

MONTANA — Gordon Sellner, 57, was shot and wounded by Lake County sheriff's deputies July 18 after he fired an assault rifle into the woods as the deputies began a raid on his home. Sellner has been wanted for more than three years on charges of trying to kill a law-enforcement officer. However, local authorities waited to arrest him in hopes of avoiding the kind of violence that erupted when Federal agents tried to arrest white supremacist Randall C. Weaver in Ruby Ridge, Idaho.

NEBRASKA — Four stabbings, a shooting and an attempted robbery occurred in Lincoln on Aug. 2 during that city's celebration of National Night Out, an annual event to help curb crime.

Lincoln Police Officer Stephen Schellpeper was acquitted July 7 of misdemeanor assault charges in connection with the death of a Hispanic man Schellpeper had arrested last Sept. 30. The case stemmed from a struggle between police and Francisco Renteria. Renteria was stopped for questioning after police received a complaint about a Hispanic man causing a disturbance. Members of Renteria's family said he spoke little English and did not understand officers' commands. A coroner's report said he died from compression of the neck. Evidence also indicated that Renteria was hogtied after he was on the ground. The other officer involved in the case, Luke Wilke, was acquitted on June 19.

SOUTH DAKOTA — The state Supreme Court ruled 4-1 on July 13 that conversations taped in the back of police cars are not confidential. The ruling came in a case involving a Racine, Wis. man and his fiancée who were driving on Interstate 90 when they were stopped by Trooper Steve Swenson. Swenson asked the man, Victor Ramirez, if he could search the car because Ramirez appeared nervous. Swenson found no drugs during the search and let them go. But a tape recording he made of the couple's conversation while they were sitting in the back of the squad car revealed that they had cocaine hidden in the car. Swenson stopped them again and arrested Ramirez for drug possession.



ARIZONA — Yuma County Sheriff's Deputy Jack Ray Hudson was charged July 7 with the murder of Yuma police Lieut. Dan Elkins, 42, and Sgt. Mike Crowe, 41, of the state Department of Public Safety. The three were members of the Southwest Border Alliance, an interagency task force fighting the drug trade around the border area. Hudson, a 37-year-old former Marine, allegedly shot the men with a Mac-10 semiautomatic pistol after they found him trying to steal drugs and guns from an evidence room. A third man, evidence technician Jim Ehrhart, escaped being shot after Hudson's gun jammed. Before he died, Elkins was able to call 911. When police arrived, they arrested a blood-stained Hudson without incident. Hudson, who is being held on bail of more than \$15 million, had been with the Sheriff's Department since 1992 and had a performance record that Sheriff Ralph Ogden called "exemplary." A search of Hudson's home turned up methamphetamine, marijuana and 18 firearms logged as evidence by the task force.

The construction of a \$5 million Border Patrol station in Nogales has been approved by the Immigration and Naturalization Service. The current station has become inadequate for a growing number of agents.

COLORADO — A motorist shot at four times by an off-duty Denver police officer was reportedly outraged after a jury took only one hour to acquit the officer July 25. Officer Edmund Bruce Gray, 30, was charged with attempted murder for shooting Clinton Brown after they got into a traffic dispute on Dec. 14, 1994. Brown was hit twice as he drove away. While Gray claimed that Brown threatened him with a small-caliber weapon, eight witnesses said they never saw a gun, and a search failed to produce a weapon.

In a new strategy to catch speeders, Fort Collins police now place a plainclothes officer in a lawn chair to clock motorists while a uniformed officer writes tickets. A recent three-hour outing in July produced 60 tickets.

NEW MEXICO — A man who stabbed and beheaded his 14-year-old son in Estancia because he thought he was possessed by the devil was arraigned July 24. Eric Star Smith, 34, of Parker, Ariz., was captured by police after a 40-mile chase during which he threw the head of his son Eric Jr. out the window of his van. He ended up crashing the van into a retaining wall. Smith's other son saw the beginning of the incident, then ran to safety when his brother told him to.

A computerized data bank on disappearances, the Missing Persons Information Clearinghouse, is up and running. The toll-free number to report missing people is: 800-HLP-FIND.

OKLAHOMA — A grand jury indicted Guthrie Police Chief Robert Buennner July 19 and asked that he be removed from office. Buennner, 48, is

accused of blocking an investigation of his ex-girlfriend, who worked undercover as a drug informant.

TEXAS — Houston Port Authority Police Officer David Hanna was arrested July 6 after Houston police said they saw him engage in what appeared to be a crack cocaine purchase. Hanna, 51, a six-year veteran of the Port police, was also found to be carrying a Daisy Powerline CO2 pellet gun instead of his service pistol, which Hanna said he had pawned some time ago. It is not known how long Hanna had been patrolling with a pellet gun. Hanna was off-duty but in uniform at the time of the arrest.

A Huntsville state prison inmate due to be released next year after serving seven years for molesting a boy has asked that the state prison system surgically castrate him so that he can live a more normal life. Larry Don McQuay, 31, said that by his own count, he has molested some 240 children. He considers himself still a danger to children, he said, and has violent fantasies. A victims' rights group has offered to raise money for McQuay's operation should the state balk at using public funds. European studies have shown the operation to reduce sex-crime recidivism from 85 percent to 3 percent.

A \$5.7-million suit was filed against the City of Dallas and three ex-police officers in July by 19 people who claim they were falsely arrested for DWI. The suit charges that the officers intentionally stopped people they knew weren't intoxicated so that they would get paid for testifying in court.

Arturo Moreno, a former Department of Public Safety trooper, is free on bail after being charged with abducting and raping a 17-year-old girl on June 30 near Sealy. Moreno is accused of posing as a police officer and forcing the girl into his car at gunpoint and handcuffing her. Investigators said he then took the girl to a house, raped her, then released her.

Travis County Constable Bruce Elfant plans to deputize 20 citizens who will ticket people who park in spots reserved for the disabled.

UTAH — Provo's new police chief is Gregory Cooper, a 41-year-old former Provo police officer and FBI agent. Cooper will be sworn in Aug. 21, said Mayor George Stewart.



CALIFORNIA — Fueled by attrition, the Los Angeles Police Department has fallen 200 officers short of its one-year goal of having an 8,410-member force. Nearly 485 sworn personnel have left the force in the past year.

A briefcase that is also a machine gun was stolen in July from the back of a truck bringing the weapon from the Salt Lake City office of the Bureau of Alcohol, Tobacco and Firearms to the San Francisco office. It was to be

placed in the ATF's reference library as an example of criminal ingenuity. Four men stole the weapon and several other packages when the delivery truck was making deliveries in downtown San Francisco, said police.

A Riverside jury has convicted William Lester Suff, 44, on 12 counts of first-degree murder and one count of attempted murder in the strangulation killings of 13 prostitutes between 1989 and 1991. Several of Suff's victims were also stabbed and sexually mutilated. Suff dressed some of the women in his clothes before dumping their bodies in citrus groves or along rural back roads.

Candy Johnson, 37, was sentenced July 26 in Stockton to two consecutive life terms for her role in the 1994 slaying death of Anthony Bratton. The murder was part of an initiation into the Aryan Brotherhood Chapter 666 Devil Worshipers, of which Johnson was allegedly the leader.

HAWAII — State Rep. Mary-Jane McMurdo of Waikiki proposed July 26 that the state legalize prostitution as a way of both keeping the illicit activity under control and boosting Hawaii's ailing economy.

Nearly 12 percent of the victims of major crimes in the state in 1993 were tourists, many of them Japanese, according to statistics released July 23 by the state attorney general's office.

More than 14,000 marijuana plants were seized in three days of raids in July in the Hilo and Puna districts of the Big Island. Two people were arrested.

OREGON — Health officials said in July that heroin and methamphetamine are causing an increase in drug deaths statewide. At least three deaths a week are said to be attributable to drug overdoses.

James Heigh, 29, of Keizer, was charged with rape and sodomy Aug. 1 after allegedly using the Internet to cultivate a sexual relationship with a 14-year-old girl.

Use of the horizontal gaze nystagmus test, a method used since the mid-1980's to identify drunken drivers, was upheld July 7 by the state Supreme Court. The test involves a police officer moving a penlight or pencil from side to side as a person tracks the object with his eyes. Jerky eye movements revealed by the procedure indicate that someone is under the influence of alcohol. The test has come under fire in some quarters because it relies heavily on the observations of police.

WASHINGTON — An unidentified man, 28, who tried to firebomb the Monroe police station in July was left in critical condition when the device exploded in his face. Police said they had no motive for the incident.

The Everet judge who sentenced two Native American teenagers to a remote Alaskan island as punishment for rubbing a pizza delivery man is rethinking his decision following reports that the two youths, Simon Roberts and Adrian Guthrie, have been visiting the mainland.



IOWA — James Carver Jr., 41, was fatally shot in the chest July 29 after he aimed his weapon at Princeton police during a domestic dispute.

A ban on the sale of spray paint to minors was approved by the Davenport City Council Aug. 3. Anyone under 18 found in possession of spray paint faces 30 days in jail or a \$100 fine.

MINNESOTA — Minneapolis police officers say they will contest new restrictions on off-duty employment. The new rules, enacted in July, limit off-duty jobs to 24-hours a week and prohibit security work in bars.

A 17-year-old girl who claimed that Minneapolis police Sgt. Edward Green used excessive force against her in 1991 has agreed to accept \$100,000 in punitive damages in addition to a jury award of \$200,000 in compensatory damages. Three of Carmela Green's front teeth were chipped and another tooth was pushed through her lip when Green slammed her into his squad car.

Two Native Americans have been awarded \$75,000 each in compensatory damages for having been trans-

2-for-1 deal

Prince George's County, Md., Executive Wayne K. Curry said it was tough deciding between two finalists for the job of county police chief. So, in a decision worthy of Solomon, he offered jobs to both.

Curry announced July 20 that Fred Thomas, who retired earlier in the month as Washington, D.C.'s police chief, was his choice as the county's public safety director, while John S. Farrell, chief of detectives of the Metro-Dade, Fla., Police Department, was named police chief of the 1,200-officer Police Department.

Curry, the county's first black executive, stunned some observers with his selection of Farrell, who is white, since many expected him to use his position to name the county's first African-American police chief. Curry, who said race was not a factor in either choice, deflected questions about whether his selection of Thomas, who is black, was intended to blunt criticism about his nomination for chief, saying: "That's for the media to speculate about."

Curry said the choice was a tough one and added he was pleased to be able to recruit both men. "I just thought it would be a shame not to take advantage of this kind of talent," he said. "It would have been scandalous not to grab them both."

As public safety director, Thomas will act as a liaison between Curry and the police, fire, corrections and sheriff's departments, but will not have a role in the day-to-day operations of the Police Department. He fills a position that has been vacant for two years. His appointment does not require the approval of the County Council.

Farrell, who in his 25-year career with the Metro-Dade agency gained a reputation as an innovative law enforcement official, succeeds David Mitchell, who left the agency earlier this year to become superintendent of the Maryland State Police. Farrell, who is also a lawyer, is expected to easily win confirmation from the County Council, which is expected to take up the nomination in the next month.

Curry said he was impressed with Farrell's efforts to reduce a rash of

highly publicized crimes against Miami tourists in recent years. But he added that he was won over by Farrell's ideas about public safety, which include an emphasis on problem-solving and a close relationship between the police and the community — ideas Curry said were compatible to his own.

"I selected Chief Farrell because we share the same philosophy about the most effective strategies for combating crime and guaranteeing the safety of our citizens," the County Executive said.

Farrell said he would continue to build on Mitchell's legacies of community policing, increasing diversity in the ranks and battling drug-related violence, but added that the cooperation of county residents in essential in any effort the Police Department undertakes. "We have millions of dollars in technology, and all that stuff helps," he said, "but it all depends on one thing: somebody picking up the phone and telling us what's going on in their neighborhood."

Curry said Thomas's 30 years with the Metropolitan Police Department, including three years as chief of the beleaguered agency, made him an excellent candidate for public safety director.

"More efficient, responsive government services require coordination and cooperation, and the public safety sector is no exception," Curry said. "Chief Thomas will ensure that our public safety efforts are meeting our goal — that of making communities safe for our citizens."

"I couldn't have written a script any better," Thomas told reporters. "I think Prince George's County is the best-kept secret in America."

They're the tops

Fourteen police officers from all over the United States will be honored in Washington this fall by the National Association of Police Organizations for outstanding contributions they've made in their communities.

The organization, which represents 185,000 sworn law enforcement officers and 3,500 police associations and unions nationwide, will confer its second annual "Top Cops" awards at a cere-

mony to be held Oct. 25.

"These Top Cop Awards underscore the countless contributions that law enforcement officers make every day," said Robert T. Scully, executive director of NAPO. "It is time law enforcement officers are recognized as the true heroes they are, men and women whose daily job it is to protect the citizens of this great nation."

The Top Cops were nominated by colleagues and selected from hundreds of nominations received by a committee of law enforcement officials. A Top Cop from each state has been selected for an honorable mention award at the ceremony, NAPO officials said. Proceeds from the event will benefit the Police Research Education Project, NAPO's 501(c)(3) educational organization, and the National Law Enforcement Memorial Fund.

The Top Cops include: Sunrise, Fla., police Sgt. Mark Byers; Duluth, Minn., Police Officer Stephen Cherner; Chicago police Sgt. Peter Dignan, and his partners, Det. Stephen Tyler and Officer Richard Peck; Special Agent Michael Ferguson, Tucson, Ariz., office of the Drug Enforcement Administration; Los Angeles Police Officer Hong Kim, and his partner, Officer Donald Lint; Detroit Police Officer (ret.) Joseph MacDonald; New York City Det. Denis Mulcahy; Rhode Island State Police Det. Cpl. Steven O'Donnell; Dallas Police Senior Cpl. Vidal Olivarez and his partner, Senior Cpl. Joseph Sowell, and Madison County, Ala., Deputy Sheriff Billy Joe Thrower.

'Coaster' ride ends

New York City's former highest-ranking female police official said she recently traded the high-pressure "roller coaster" of police administration for the calmer pace of academia after awakening one morning with the feeling that "life was passing me by."

"You get to a point where you get stressed out with all of the work," said Elsie Scott, who was named in 1991 to the civilian post of Deputy Police Commissioner for Training. "I wanted time to do some writing and research," including a book on blacks in law enforcement, she told Law Enforcement News recently.

To that end, Scott last month began a new position as an assistant professor at the University of Central Florida in Orlando, teaching both undergraduate and graduate courses in its Department of Criminal Justice and Legal Studies. She had been offered a chance to head the Community Policing Consortium, replacing departing director Drew Diamond, but turned it down because "I wanted to get out of the rat race. I would just be trading city politics for national politics."

Scott is no stranger to academia — she's a well-known criminal justice scholar who has taught at Rutgers, Howard and North Carolina Central universities. Scott, who has a doctorate in political science from Atlanta University, also served for eight years as the executive director of the National Organization of Black Law Enforcement Executives.

It was Scott's work at NOBLE, where she honed a reputation as an expert in community policing, that

caught the attention of Lee P. Brown, who as New York City police commissioner planned the city's move toward the philosophy.

She served in New York under three police commissioners and during a period of immense growth for the department. "I was responsible for making certain that the curriculum was kept up to date with trends in law enforcement and that it reflected the priorities of the three police commissioners I worked for," she said.

Scott developed a myriad of programs for the department, including leadership training for sergeants and lieutenants, an executive development program and civilian training.

"Training is — if not the most — one of the most important support functions in the police department. It's the way by which an agency is able to instill its values, procedures and rules in its new employees and reinforce them in their old employees," she said. "When you don't have a good training program, the leadership of the organization is not really able to lead because the people below don't know what that person is all about."

In New York, Scott also gained a reputation as a leader on women's issues and became an ardent proponent of "getting the department to fully integrate women into the Police Department" — a role that she said she'll probably be most remembered for. "I developed a women's action plan and got the department to focus on some of the issues that had not been addressed, including formulating a pregnancy policy and increasing advancement opportunities."

"Probably one of my proudest accomplishments is starting cultural-awareness training, specific to each precinct, so that when officers graduate from the academy, each of the 75 precincts has its own cultural awareness program that's designed to reflect the community they serve," she said.

FBI's new No. 2

Weldon Kennedy, the FBI official who led the investigation into the Oklahoma City bombing, took over as deputy director at the bureau on Sept. 5.

FBI Director Louis Freeh had announced Kennedy's appointment to the No. 2 position at the bureau on Aug. 8, calling Kennedy "superbly qualified."

As Freeh's key adviser in Washington, Kennedy will continue to lead the inquiry into the April 19 bombing of the Federal Building in Oklahoma City that left 169 people dead.

Prior to the Oklahoma City bombing, Kennedy was best known for negotiating an end to a 13-day siege at a Federal prison in Atlanta in 1987, when he headed the FBI's office there.

With 270 Cuban refugees who were being detained by the United States holding 127 hostages, Kennedy ordered law enforcement officers not to try to rescue 27 prison hospital workers who had barricaded themselves in a pharmacy. With tensions high, Kennedy concluded that a rescue operation would endanger all the hostages.

"It was the most gut-wrenching" decision of his career, Kennedy told The New York Times. His decision proved correct when rioters, armed

with machetes and homemade bombs, surrendered with no loss of life.

Kennedy was an associate director at FBI headquarters before Freeh eliminated the position and reassigned Kennedy to the Phoenix field office.

Kennedy replaces Larry Potts, who was suspended from the FBI in August, amidst controversy surrounding the 1992 siege at the home of white separatist Randy Weaver in Ruby Ridge, Idaho. [See LEN, Aug. 20, 1995; May 15, 1995.]

Coming clean

The guilt apparently became too much to bear for a New York City teenager, whose claim that a police officer pushed him out of a fourth-floor apartment window nearly sparked a riot early last month.

Carlos Ariel Santos, 18, came clean by tearfully admitting to his stepmother that he had fallen while trying to elude a police officer Aug. 3. "He just couldn't lie any more," said his stepmother, Aderi Cardona. Santos, who is recovering from injuries sustained in the fall from the Washington Heights apartment building, said he was pressured by residents into blaming his fall on Officer Frank Rivera, 24.

The rumor that Santos had been pushed once again fanned tensions between police and some residents of the upper Manhattan neighborhood known for its open-air drug markets. Riots broke out in the area in 1992 after a known drug dealer was shot in a scuffle with a police officer. The violence erupted amid rumors that the dealer had been unarmed and shot execution-style by the officer.

Santos said he was in the building when he saw Rivera running toward him "like something was happening." He ran up a flight of stairs and barricaded himself in a vacant apartment and tried to climb out the window to the floor below. "I was holding first onto the window blinds," he told The New York Daily News. "Then the blinds snapped, and I tried to grab the cable and I slipped and fell."

Santos, who was charged with possession of drugs and drug paraphernalia, said that as he lay on the ground in shock following the fall, he found himself surrounded by people "screaming, saying, 'The cop pushed him, the cop pushed him.' Once they asked me, that's what I said."

The allegation led to two days of skirmishes between cops and local youths who pelted officers with bottles and rocks — and telephoned death threats to Rivera, a two-year veteran. Police deployed squads of community affairs officers to quell rumors. Riot-control officers sent in during the first night of the unrest were replaced by uniformed officers, who kept a vigilant but low profile and made six arrests.

Santos now says he wants to meet Rivera and apologize to him. "I'm sorry about the trouble that I know Officer Rivera went through with the community, as well as what his family went through," he said.

Rivera, who plans to return to his former beat once tensions ease, said he sympathized with Santos. "He's young. He was hurt. He must have been scared. I'm sure his mind was very vulnerable," he told The Daily News.

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Law & order (of fries?) is on the menu

By Stephen Donohue

Expanding the frontiers of community policing, police in Providence, R.I., and Horry County, S.C., are being encouraged to spend more time in local businesses and restaurants.

Some Providence officers, in fact, are assigned to work full eight-hour shifts in local 7-11 stores. The "community network centers," which opened in June, are equipped with telephones and copying machines, and allow officers to file reports from their beats.

In Horry County, 12 McDonald's restaurants unveiled similar workstations on June 26. At no cost to their agency, officers can file reports from a telephone lines installed at tables reserved for police.

"It reduces the down time for the officers if they have to use a telephone or if they have to get out of their car to do a report," said Capt. Wayne Gall of the Myrtle Beach Police Department, which includes within its jurisdiction two McDonald's restaurants with police workstations. "That makes our officers more visible and more ap-

proachable and it also creates a deterrence in that particular restaurant," he told LEN.

The Horry County program was modeled after similar programs in Texas and North Carolina, but the workstations in Horry County are the first to be made available to all area law enforcement agencies.

"This is the first of its kind to involve a cross-network of all of the forces together versus one McDonald's with one police force," said McDonald's account executive Larissa Allison. The Myrtle Beach, Horry County, Surfside Beach, North Myrtle Beach and Conway police departments all have access to the workstations, as does the South Carolina Highway Patrol.

Officers who want to use a workstation ask a restaurant manager for the telephone, which is kept behind the counter. Police are also encouraged to eat and drink in the restaurants, even when they're not filing reports.

However, accepting free meals at the restaurants is out of the question, Gall said. "They are to pay for what



A Myrtle Beach, S.C., police officer conducts official business from a corner table at a local McDonald's restaurant

Through snow, rain & busy signal

Nashville mail carriers aid crime-fighting

By Stephen Donohue

Since June, when mail carriers in Nashville, Tenn., began carrying cellular telephones on their routes, the Metropolitan Police Department has gained dozens of extra eyes and ears ready to report any trouble they witness on the streets.

Donated by Cellular One, the "bag phones" were given to mail carriers to report any crime or emergency that they encounter on their routes. "They are supposed to be part of the eyes and ears of the neighborhood," said Lindsey Borroughs, Cellular One's Nashville manager. "This way they have a phone on them that they can call 911," she said.

About 90 mail carriers in five postal branches currently have the cellular phones, which they plug into the cigarette lighters in their postal vehicles. By the end of September, Borroughs said, all 350 Nashville mail carriers from 16 postal branches will be equipped with cellular phones.

The cellular phones are programmed to reach four locations quickly and cannot receive outside calls. To report emergencies to 911, carriers dial *1. By dialing *2, the carriers can call the Tennessee Highway Patrol to report non-emergencies.

Cellular One already has a program that allows Tennessee motorists with cellular telephones to reach the Highway Patrol for free by dialing *THP.

Mail carriers can also reach postal supervisors and report mechanical problems with their vehicles by dialing other numbers. Since the program began, these are the only types of calls that have been made.

"We have not had reports of anyone using the phones because of an emergency or crime," said Kim Alley, a Nashville-based representative of the United States Postal Service.

Mail carriers have reported emer-

gencies in the past, Alley said, but they used pay phones or asked residents on their route to call 911. "Many lives have been saved," she said.

Though mail carriers have not yet reported any emergencies to 911, Nashville police said they value the program. "Obviously police officers can't be everywhere at all times," said Donald Aaron, the MPD's public information officer. "The postal carriers are in every part of the city every day," he told LEN.

Alley said none of her coworkers had any apprehension about the telephone program, but Cellular One's Borroughs disputes that. "The postal carriers' union at first really was not that thrilled about this idea," she said. "They thought it would be a way for management to supervise them."

But once Cellular One informed the Postal Service that the telephones could be blocked from receiving calls, Borroughs said carriers overwhelmingly accepted the program.

Knowing that the telephones could not receive outside calls also eased concerns of postal supervisors, who did not want mail carriers to spend their days answering personal calls.

Cellular One is bearing the entire cost of the program, and will not keep track of the expense, Borroughs said. In addition to providing the Postal Service with the used telephones, which could be resold, Cellular One will not charge for air time.

In the near future, Borroughs said her office will work to establish identical programs in other Tennessee cities. "It was such a big hit here," she said.

Since the Nashville Cellular One franchise only provides service in Tennessee, Borroughs did not know about plans to spread the program to other states. "I can't speak for other parts of the country," she said.

they drink and what they eat. Everybody is aware of our policy," he said.

Since the purpose of the program was not to attract police with free meals, Allison said offering freebies is not an issue. "We were not approaching it from that standpoint. We were just providing a service and not connecting it to our food," she said.

Although police are offered prime seating near the counter, as a way of deterring robbers, Gall said that officers have not used the workstations often. It is summer beach season on the "grand strand," where the restaurants are located, and the resort population soars up to 400,000 in the summer months.

"Right now it is a bad time to get an indication of how well they are going to be used because our officers are running so much from call to call," Gall said. "We will be able to tell a little bit better once the season quiets down."

In Providence, where the workstation concept was adapted at CVS pharmacies in 1993, and recently expanded to include two 7-11 convenience stores, luring police to visit the stores is not a problem. Many officers are routinely assigned to security details at the stores for most or all of their shifts.

Unlike the McDonald's restaurants in Horry County, where the workstations act as a deterrent in restaurants that had little crime problems in the

past, police were assigned to Providence stores to thwart persistent robbery and shoplifting problems.

The program proved successful immediately after its launch at the CVS stores, when an officer assigned to one store arrested a prominent had check-writer after the store manager recognized his name. Police also caught professional shoplifters and worked with store security personnel to identify shoplifters through mugshots.

"Many arrests were made just by officers being there at the right time," Providence Public Safety Commissioner John Partington told LEN. "And you never know how many we prevented."

The department's successful venture with CVS led to the development of what Partington calls the "storefront" program. Spurred by the positive public response after officers not only began to visit stores but were assigned to police eight retail sites throughout the city in 1993, the number of stores involved in the program more than tripled in two years.

Partington would not specify which stores are involved, or even exactly how many are in the program. "I want everybody out there to believe that we have eyes looking into every store, and some day we will."

He did acknowledge that the two 7-11 stores are the most recent additions to the program and that there are at least 20 similar storefronts spread

throughout the city.

Partington said the storefront program has turned out to be the most effective arm of the community policing philosophy that the Providence PD began to apply in 1990, protecting not only businesses, but reaching the entire community.

In addition to helping prevent crime in stores, Partington said officers assigned to storefront details work with community members to reduce the number of "nuisance complaints" the department receives, ranging from graffiti to public urination.

No statistics are available to determine exactly how many arrests were made through the storefront program, although serious crime in Providence has dropped significantly in recent years.

Police statistics show that burglaries dropped from 4,240 in 1993 to 3,606 in 1994. Robberies decreased from 636 to 554 in that period, and larceny-thefts dropped from 6,433 to 6,286.

With the storefront program's success in deterring crime and instilling a sense of safety in the area, Partington said many other stores have requested the police details.

Police in Horry County received the same response after the McDonald's workstations opened. Some local businesses, and even the municipal library, told police they could use their phones any time they wanted.

Promotion practice is corporal punishment, Dallas cops charge

Yet another legal challenge to the method used by City of Dallas to implement its affirmative action program was filed recently by 18 white police officers, whose \$1.5-million Federal lawsuit alleges they were unfairly passed over for promotion to the rank of senior corporal in favor of minority officers who scored lower on tests.

The plaintiffs are seeking a court order "declaring the implementation of the affirmative action plan in violation of their civil rights" and another order that would bar the City of Dallas from "imposing quotas to implement

the plan," said Joseph Scuro Jr., an attorney representing the Dallas Police Association, which is backing the plaintiffs. The orders "would apply to all promotions made in the Police Department, not just senior corporal," Scuro told Law Enforcement News.

The plaintiffs are challenging a 1993 test for the rank of senior corporal, the first supervisory rank above patrol officer. The lawsuit, which was filed July 28, alleges that the city used a skip-promotion, or out-of-sequence method in which white candidates were passed over in favor of lower-scoring minority candidates.

Scuro said the officers are not seeking to overturn the city's affirmative action program, only the way it is implemented. "The contention in this lawsuit is that the plan, as implemented, imposes quotas, so the plan is not under legal attack in this lawsuit," he said.

City Attorney Sam Lindsay did not return calls from LEN for comment.

The plaintiffs are seeking \$1.5 million in damages as well as promotions, back pay, seniority and benefits, retroactive to June 1993, when the test was last administered. Two of the

Continued on Page 6

Cadet-issued traffic summonses quashed

Hundreds of traffic citations have been mailed to motorists by Boston police in a crackdown in which cadets stationed at downtown intersections identify vehicles committing traffic violations. But the beefed-up effort has proved a bust because motorists have succeeded in getting virtually every citation dismissed by officials who question the validity of tickets issued solely on the word of police cadets.

In Police Area A, police sent 3,557 traffic tickets to motorists during the month of June — up from only 380 in January — but have yet to make any of them stick. Drivers challenge the citations, which carry possible fines of \$50 and insurance surcharges, and have

succeeded in convincing clerk-magistrates and judges to dismiss them. The Boston Globe reported last month.

"Everything we've done so far has been thrown out," said Boston police Sgt. Marcy Corwin. "We haven't won a case."

Police Commissioner Paul Evans and Mayor Thomas Menino announced the crackdown in mid-May as the number of pedestrian deaths jumped to an unprecedented high. As of June 30, 20 pedestrians had died on Boston streets — almost as many as the 25 motorists and pedestrians killed in all of 1994.

An angry Evans blasted complaints from motorists, like the one lodged by a Swampscott woman who wrote the Commissioner that she believed the

crackdown was just another attempt by the city to squeeze extra revenues from motorists.

"I've got 20 dead bodies out there," Evans told The Globe. "Anybody that drives in this city knows that that's [expletive]. The bottom line is they wouldn't drive in another community like they drive in our community."

About 20 cadets have been deployed at downtown intersections, where they watch for traffic infractions that could endanger pedestrians, such as running red lights, turning right on red illegally and blocking intersections. They fill out police-issued cards on which they record the intersection, time, date, license plate number, color of plate, color, make and type of car as well as

the gender and race of the driver. Police then enter the data into the Registry of Motor Vehicles computer, and when matches are made on at least three items, a moving violation is sent by mail to the registered owner.

Corwin told The Globe that cadets are not allowed to confirm the data on cars spotted in traffic violations. And if Registry records differ from the information submitted by cadets, no citation is issued.

About 25 percent of the citations issued under the program have been challenged by drivers and all have been dismissed. On an average day, over 100 people request that their tickets be dismissed. Clerks have little choice but to throw out the citations,

said Robert E. Block, first assistant clerk for criminal business in the Municipal Court, because cadets don't identify the motorists, only the registered owner.

So when drivers answer the summonses in court, all they have to do is simply deny being behind the wheel. Since there is no police officer to counter their claims, the charges are usually dismissed, Block said. "They say they weren't there, and there is no one who can say they were there."

Some officials have also questioned whether the practice violates a state law against ticket fixing, which requires police to have motor-vehicle citations delivered within several days. But Evans maintained that the program was carefully researched to ensure its legality and was approved by Registry officials.

"How the clerks or how the judges interpret this, that's their business," he said. "If we get a chance to appeal any of those decisions... We will appeal it as far as we can appeal it."

Despite the problems with the program, Evans believes that motorists are starting to drive more carefully. He said one cadet ticket-writer who reported 30 violations a day in May now reports only a handful a day. "There's some indication that we've altered driving habits and that's what we want to do," the Commissioner said.

In unprecedented move, public police to patrol private highway in Virginia

By Stephen Donohue

Hiring off-duty police officers for security details is a relatively common occurrence. Until recently, however, when a group of investors offered to pay the Virginia State Police \$500,000 a year to patrol their private highway, policing private property for money while on duty was unheard of.

In what is said will be the first of its kind in the United States in 135 years, the Dulles Greenway, a private toll road connecting Dulles International Airport outside Washington D.C. to Leesburg, Va., will open to the public on Sept. 29. Eight State Police patrol officers and a sergeant will share the duty of policing the 14.1-mile strip just as they would any other highway in Virginia.

"It's kind of a partnership between a government entity and a private enterprise, and it benefits the public," said Maj. John Scott of the State Police. "It's a good idea."

Overcoming legal issues to allow for the highway's construction was an arduous process for the Toll Road Investors Partnership II (Trip-II) and its general partners, Shenandoah Greenway Corporation and Autostrade International SpA. In 1988, the Virginia State Assembly passed a law that allowed for construction of the private toll highway.

Legislators included in the law stipulations that ensured the state would also profit from the highway. In addition to the investors constructing the Greenway without using a cent of taxpayers' money, the law stipulates that the highway will be turned over to the state in 2038.

Greenway spokesperson Susan Conrad said it is not known if the state will continue to charge tolls after the highway is turned over, but it does have that option. "Whatever they want to do it's theirs, at no cost," she told LEN.

Motorists will pay a \$1.75 toll when the highway opens and the fare will be raised to \$2 on Jan. 1, 1996.

Even though the highway is being privately built on private land, drivers will be subject to every Virginia law that applies to citizens on public land. "We made it perfectly clear to everybody that we are in the jurisdiction of the state," Conrad said.

Scott said troopers will patrol the road the same as they would any other, and will enforce a 55-mph speed limit. The eight troopers will be assigned to the Greenway full-time, but they can be redeployed if they are needed to respond to emergencies elsewhere.

"We have a give-and-take written into the agreement," Scott told LEN. "If we have to pull them off for an emergency we can — if we have to add officers [to the Greenway] we can. We don't get any more money if they need to assign more officers, nor does the toll facility take anything away if we have to pull them off for emergencies."

Troopers will be assigned to the Greenway in accordance with standard State Police policy, Scott said,

with the length of the road and projected traffic load figuring in an assignment formula. "We are basing it on what we need to man one shift 24 hours a day until we get a feel for what is actually going to be out there," he explained.

Most of the three-year contract between the Trip-II and the State Police will go toward paying troopers' salaries. Conrad said \$492,000 a year will cover the salaries of the troopers and about \$90,000 a year will be spent to purchase police vehicles, uniforms, weapons and other equipment.

Competition for the lucrative contract has been stiff since the plan for public patrolling of the private road was first announced. Conrad said the Loudoun County Sheriff's Department was eager for the contract, but the 1988 state law stipulated that the State Police "have first right of refusal" on a police agreement.

The contract between Trip-II and the State Police expires on August 2, 1998. At that time, Conrad said the agency will have the option to renew the contract.

Dallas cops sue over promotions

Continued from Page 5
plaintiffs are no longer Dallas police officers.

The action comes a few months after a Federal judge in Texas declared unconstitutional a portion of Dallas's affirmative-action plan that allowed women and minorities in the fire department to be skip-promoted over higher-scoring white males. The city is appealing that ruling.

The new case resembles an earlier Federal lawsuit challenging similar practices used by the city to increase the number of minority sergeants, lieutenants and captains. That case was settled just days before it was to go to trial in April 1993.

In the earlier case, a dozen officers received promotions and split a cash payment of \$120,000 from the city. The city also covered the officers' attorneys' fees and court costs for a reported \$315,000. [See LEN, April 30, 1993.]

The city's affirmative action plan is also being challenged at the Police Department's executive level. In March, a high-ranking female police official filed a sex and race discrimination lawsuit against the city, alleging she had been passed over for appointments as assistant chief and executive assistant chief because she is a white woman.

In her lawsuit, Pam Walt, who in 1988 became the first woman to reach the rank of deputy chief, contends that openings in those ranks that have occurred since 1990 have been filled with Latino, black or white male candidates. Walt claims that she "was not even interviewed for those positions" and was not considered "exclusively because of her race and gender."

Chicago cops get high marks for response to heat wave

Despite high temperatures, it's "business as usual"

Continued from Page 1

announcements via loudspeakers as they patrolled neighborhoods and encouraged residents to check up on their friends, families and neighbors, Jenkins added.

In one case, police transported an elderly woman to the hospital and made sure her 40 dogs and cats were cared for while she was in the hospital. "They transported her to the hospital as a precaution, and they checked up on her every day after she was discharged," Jenkins said.

But officers also had to contend with the scores of bodies discovered in hellishly hot homes. "It did take a toll on them. It was extremely upsetting," said Officer Noneen Curry, a nine-year veteran who is a senior citizens officer in the 25th District.

Some officers also were responsible for transporting the bodies to the morgue, which had to rent refrigerator

trucks to store corpses as the heat-wave's death toll rose and overwhelmed the city's Medical Examiner's Office. Yet, said Jenkins, many cops said that morbid job was not nearly as difficult having to "peel away an eight-year old boy's finger from a swing set because he got a bullet in the head from a gang-banger. Almost every officer I spoke to said it was part of their job, part of what they do on a day-to-day basis."

Curry told LEN that the officers' efforts were greatly appreciated by the city's senior residents, some of whom live alone and have no families. "They were very, very appreciative," she said. "At our meetings, they have repeatedly thanked me for being concerned."

Overall, Jenkins said the heat emergency "didn't have that great an impact on the department" — or on crime. A " cursory review" of crime statistics from the last two weeks of

July showed little change, and the city's homicide rate is still running about 20 percent below last year's, he said.

"No one was prepared for a heat index of 123 degrees, but from a Police Department perspective, it was business as usual," Jenkins said. "It was more of what we do routinely — working with seniors proactively, having a presence in the community to prevent crime and to solve crime when it did happen."

Jenkins said the department incurred little or no overtime and recorded no heat-related injuries to officers. "We have regular training on dealing with the heat and the sun. No one who lives in Chicago expects anything but hot and humid weather in the summer," said Jenkins.

Nor did the record-breaking heat prompt the department to alter its dress code. "I still had to wear my uniform, believe it or not," quipped Curry.



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National Committee to Prevent Child Abuse

Video testing fails to make the grade

Continued from Page 1

blacks and 83 percent of Asians passed. About 22 percent of all Hispanic applicants, 30 percent of Native Americans and 34 percent of whites passed the video test. The pass rates on the written test for those groups were 85 percent, 75 percent and 93 percent, respectively.

By gender, 29 percent of men passed the video test, while nearly 89 percent had received passing scores on the written exam. Only 20 percent of women applicants passed the video test, compared to 90 percent who had successfully completed the written exam.

The test results "actually showed a lessening in the disparity between minority and white scores," said Joiner, who heads the Police Department's Professional Responsibility Bureau, which oversees training, personnel and internal investigations. But, Joiner added, "quite frankly, we were expecting less of a disparity in the video test than we had had in the written test."

The test, which was developed by Ergometrics Inc., an occupational testing firm based in Seattle, involves 75 videotaped scenarios in which test-takers are asked to choose from several possible reactions to the hypothetical situations.

"The idea is to present them with the kinds of situations that they're likely to encounter on the street," explained Joiner. "They don't have to know police procedures or criminal law. What we're trying to see is how they would react to a very difficult situation, sense what their intuitive judgment is like and their ability to make common-sense decisions."

But the disappointing outcome has resulted in a smaller pool of minority recruits for the department to draw from, said Joiner, who added that the test is being reviewed by police and officials from Ergometrics.

"We're satisfied that we're going to be able to make the adjustments to make this work," he said. "If it turns out that we land into the same problem again, then obviously we'll have to take a step back and re-examine the

process we're using. The bottom line is that we have to have adequate pools of all groups so we can feel we're representative of the community."

Some concerns have been raised that the test might be culturally biased. Det. Debbie Barnett, who is president of the Black Law Enforcement Association, said the group has let police officials know of its concerns over the test outcomes. "We have some concern about a test in which there are virtually no people of color or women" in the resulting recruit pool, she told Law Enforcement News.

Oscar Spurlin, who co-developed the test, insisted it was more "coop-

eratively developed than any other test in police history" with input from five Northwest law enforcement agencies. "We literally had hundreds and hundreds of officers working on this," he said. "It was a highly joint effort, and every step is — and continues to be taken — to ensure that it's a fair test."

The problem, Spurlin told LEN, lies in "an administrative decision" by the Public Safety Civil Service Commission to "raise the bar, if you will. It had nothing to do with test having more adverse impact on any particular group than any previous test had."

Spurlin said that another possible

explanation for the low scores is that people tend to make their responses based on their stereotyped views of police. And the relatively low number of minority groups in the Seattle area makes recruiting efforts that much more difficult, he pointed out.

"Clearly, one thing that's going on in terms of law enforcement recruiting is that in some communities it's hard to attract the best candidates because of negative relationships with police. There's also the fear that people taking the test might be responding the way they think the police want them to," Spurlin observed.

Nevertheless, Ergometrics is revis-

ing the test and has edited down to 55 the number of videotaped situations that test-takers are confronted with. The company is also putting together a study guide and a pre-testing orientation session for those taking the test, Spurlin said.

Joiner told LEN that the department is confident that revisions to the test will produce more desired outcomes, and added that the department plans to administer it again in the fall. "We're fairly comfortable that the concept is good, but anytime you have a new exam process, there's almost always going to be some bugs to work out."

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Oakland, CA	October 23-27, 1995	Chicago, IL	Oct. 30-Nov. 3, 1995
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Patrick J. Carroll, the soft-spoken Police Commissioner of New Rochelle, N.Y., sees his relatively new home as an "oasis" — as well he might, particularly when viewed against some of the tough inner-city neighborhoods he worked in during a 28-year policing career in New York City. According to Carroll, who was named to lead New Rochelle's 179-officer police department in December 1993, the city has not experienced the crime that is often a byproduct of proximity to a large urban area — and New Rochelle sits just a stone's throw from the northern border of New York City. It's a city of 67,000 where, Carroll says, everyone knows one another — a place he says is ripe for community policing.

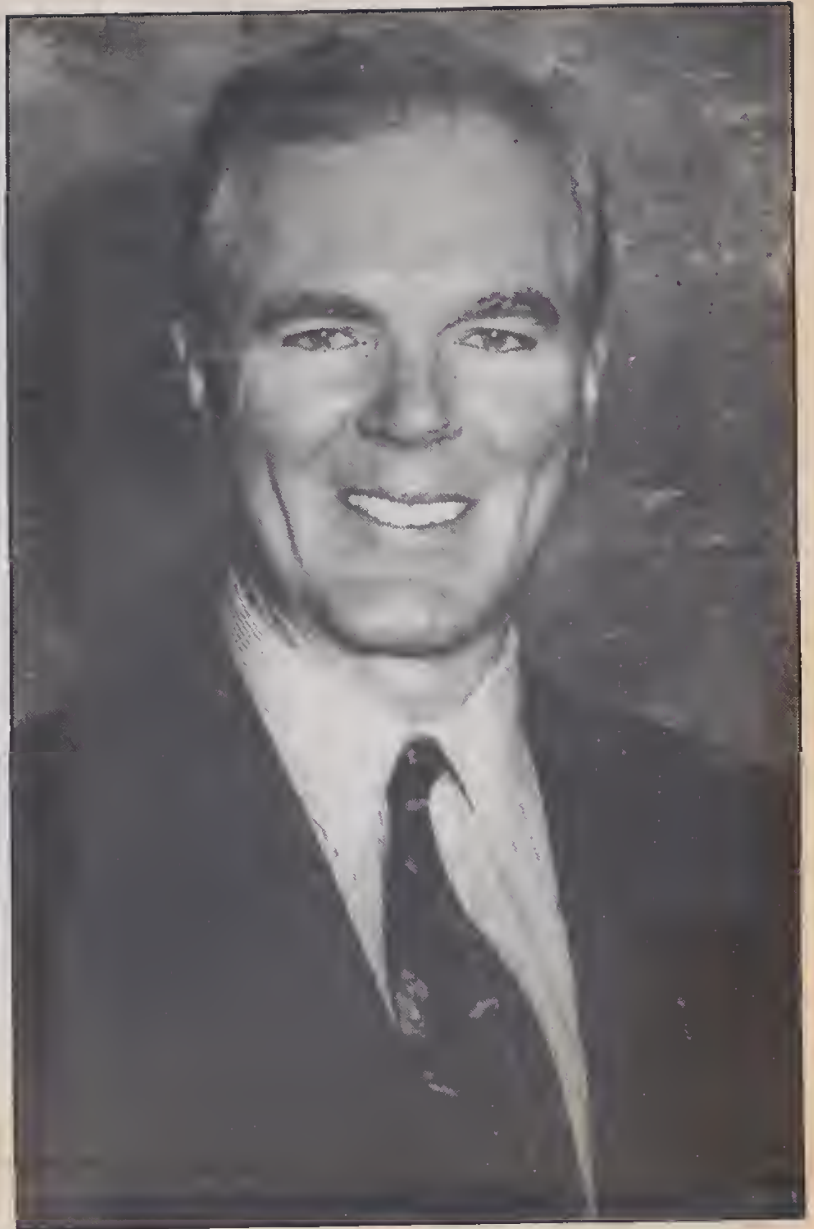
Carroll has embarked on an ambitious program to instill in "this virgin territory" the philosophy and practice of community policing. He launched an effort known as Police and Community Together (PACT), in which some 27 officers are responsible for 10 beats, each about 10 square blocks in size, with patrol cars overlapping the sectors. The officers work with the community in identifying and solving quality-of-life crimes, and a special phone number allows residents to communicate directly with their beat officers. Carroll has also emphasized beat experience as a consideration for promotion.

Carroll is big on training, as one might expect from a law enforcement veteran whose résumé boasts bachelor's and master's degrees and attendance at several top-drawer police training programs. To Carroll, training is more than just an ingredient in police professionalism — training opportunities are what make his department competitive in a region where lateral mobility can easily deplete a department of skilled, experienced personnel. Carroll is not afraid to take good ideas from wherever he can find them, and for many of his initiatives he draws on, and credits, the vast urban laboratory to his south — New York City and its Police Department.

According to reports at the time, the 51-year-old Carroll got the job in New Rochelle over two other candidates because of the variety of his command experience and his strong sense of presence. By his own account, Carroll says he was brought in because the city had experienced riots following the acquittal of four Los Angeles police officers accused of beating Rodney King, and wanted someone who could prevent or, if need be, prevail over a such a situation. Carroll says that having had a number of diverse commands — including the department's Emergency Service Unit, the tough 75th Precinct in Brooklyn, and the racially sensitive 79th Precinct, also in Brooklyn — prepared him to take on the challenges of being Police Commissioner.

*In New Rochelle, Carroll says, life is less frenetic than it is in New York City. "There are no overwhelming problems here," he says. "Everything here is solvable." That's not to say that everything is as it should be. He uses the Japanese word *kaisen* — "the meticulous pursuit of incremental improvement" — to describe his management style, and there is little doubt that the New Rochelle Police Department is adopting and benefiting from this philosophy. Plans are afoot for a local citizens police academy, as well as a mobile police station complete with a mini-classroom and a communications center. Eventually he wants to computerize every patrol car. After a while, one might not recognize the oasis anymore.*

(Even an oasis, however, is not without its downside. Over the summer, shortly after the original LEN interview with Carroll was conducted, two New Rochelle officers were indicted on charges of raping a civilian co-worker. A follow-up interview with Carroll added some perspective to that incident and its impact on New Rochelle and its Police Department.)



A LEN interview with

Commissioner Patrick Carroll of New Rochelle, N.Y.

"We're enjoying our successes. It all comes down to what's known as "incremental improvement" — every day we like to do a little better. . . . I came into a very good situation here, and I want to build on that and make it grow."

LAW ENFORCEMENT NEWS: Could you describe in general terms the kinds of crime problems that exist in New Rochelle?

CARROLL: New Rochelle is almost like an oasis. Since it's almost connected to New York City, you would expect we'd have more crime problems than we do, but we really have a mixed bag, and most of them really have to do with property crimes. For example, our major property crime would be grand larceny auto, and that occurs in specific areas in the city. We have some other property crimes, but that's the most prevalent. Burglaries are down this year, larceny went down, and even the auto larceny went down.

LEN: One enforcement effort you launched, called Operation Snakebite, seems to suggest that there is, or was, a drug problem in New Rochelle. . . .

CARROLL: Yes, in the central part of the city. And although it's hard to say when you talk about a drug problem, it's something that's probably very solvable with the right agencies pitching in beside the police. We did an undercover operation here to see what the extent of the drug problem was, and we came up with indictments and felony warrant arrests for 55 people, all pretty much concentrated in the central part of the city. What we found from that arrest was that, first of all, we don't have any major drug dealers in New Rochelle. Secondly, the drug selling that does go on is the result of people going down to the Bronx, picking up drugs and bringing them back to sell and use themselves — very low-level incidents and very localized, but it's still a problem. My emphasis is to make sure that no major drug gangs come into New Rochelle and

establish themselves, that the problem doesn't get worse, and that we start to alleviate it.

LEN: In conducting Operation Snakebite, you made a point of sitting down with leaders of the city's black community. Why did you take that step, and what were the results?

CARROLL: One of the key elements of any kind of policing, whether you call it community policing or something else, is that you form a partnership with the community. You work with them, and they work with you, on an equal footing. One of the things that we try to guard against when we do enforcement initiatives, especially if it's going to be concentrated in a particular area, is that the community doesn't view us as an oppressive police force, someone that's come to harass them. The way you try to get around that is to open up the lines of communication and tell people that we do have a problem, explain it, and show them what we plan to do about it. In contacting the key leaders of the African-American community here in New Rochelle, I wanted to let them know the magnitude of our drug problem and what it's doing to the community, what it's doing to the youth, and also prepare them for the forthcoming enforcement efforts. Hopefully, that way we can minimize any fallout.

Agent of change

LEN: When you took command in 1993, were you given a mandate of any sort?

CARROLL: I was brought in to change the department and the police officers' thinking that the

I try not to get political, but the reality is that many things have political overtones. You have to find the balance in your decisions because the politicians need victories in order to get re-elected, and they're looking for the Police Department to get them that.

community saw them as unresponsive and a bit aloof. The minority community has some complaints about police practices. New Rochelle did experience a riot after the Rodney King verdict, and it was nationally televised. It was one of the few cities in the area that had problems like that, and it was totally unexpected. So I was brought in to bring in community policing, to engage in riot-control training, and update the department any way I could. That was pretty much my mandate here.

LEN: What kinds of things have you done to fulfill your mandate?

CARROLL: Looking at the composition of New Rochelle, I felt it was an ideal place to establish community policing as I knew it from New York City. We put a lot of work into New York City, a lot of very good minds contributed to the process of making it work there, and there were many good things that happened. There was a lot of good groundwork laid, and I saw successes of community policing in the 7-5 Precinct where I was. There were a lot of weaknesses, too, as in trying to make it fit where it didn't fit, things like that.

When I came to New Rochelle, I saw a community that I thought was made for this kind of policing. (I don't like the term community policing because it becomes a buzzword and everyone has their own definition of it.) What I had learned in New York City, I felt, was totally well made for this community — with a few variations and a little adaptability. So I started my efforts off there. Right from the beginning we started to analyze the department, looking at it from every different direction. One of the key things I did learn is that you have to get the officers to buy in before you start pushing anything down. So I wanted the officers to understand where I was coming from, that I was here for their best interests. We started analyzing the workloads. We were going to implement steady shifts, and the manpower allotments here were really not directed for the workloads that were occurring on each tour. We realigned that, and we did institute steady tours here. We felt that would be better for accountability, and everyone agreed. We started off by just trying to make the officers feel good about themselves. We made changes in the uniforms, in the administrative paperwork. We loosened up on a few of the things they asked for.

Then I started to work with the supervisors; we even went up to the Catskills for a couple days of brainstorming. We analyzed the city and the problems that were occurring in it, and we devised originally 10 beats which we felt would reach a very substantial portion of the population, and would deal with probably 75 percent of the problems in New Rochelle. With those 10 beats in mind — we didn't try to do the whole city — we began our beat officers, and we trained them in problem-solving, communications with the community, networking, using other agencies and so on. That's all they would need to get started. And we publicized it; we brought the community in; we explained what was happening in each of those beats. It really got off to a great start, and it's been a very big success here in New Rochelle. Our philosophy here is called "Police and Community Together." We thought we were being original, but we later found out that other people had used that name.

Philosophy, not program

LEN: Could you describe that program in a little more detail?

CARROLL: Police and Community Together? Again, it's a philosophy, not a program. The philosophy entails breaking down the anonymity between the police and the community, and we're trying any which way we can to do that. We wanted everyone to understand that police cannot do it alone, that they must have this partnership. We also told the community that they have a responsibility; they have to contribute. So that's where we're coming from, and anything we can do, we try to do it in that framework. With any action we do, we try to keep in mind how is it going to affect the community.

LEN: Many departments encounter resistance from the ranks when instituting community policing. What's been your experience in New Rochelle?

CARROLL: I haven't had that much. New Rochelle seemed to be waiting for a change. They were open to anything, and whoever may have been skeptical, once they start to see the plusses, that the people were very happy to have someone communicating with them, and so on, things started to open up for us; people started to believe in it. The key was to continue

the innovation.

When I came here, I was able to establish a career path, which would promote detectives right out of the ranks of beat officers in that unit. So we told anyone who wanted to go in that this was the career path; this is the way to get ahead. It didn't shut the door on anyone else, but they would get the lion's share of any promotions to the rank of detective. That's what we've done since then. Most of the promotions have gone to those that have taken beats and pounded a pavement or done exceptional work in problem-solving in communities. And some of them have come up with fantastic solutions for some of our biggest problems.

LEN: Don't those who answer 911 calls feel left out?

CARROLL: They know the game plan. I also established a police officer of the month to reward them. We bought a car with forfeiture money, a Camaro, which is dubbed the cop-of-the-month car. We're waiting on its arrival. An officer will have that car to drive exclusively for the month. We're also not losing sight of the fact that they need to be recognized. They're brought in on some of the problems along with the beat officer. They're encouraged to apply to the unit that's working there if they so choose. You're always going to have a certain degree of dissatisfaction, but as long as everyone knows what the game plan is, I think there will be less of it.

LEN: What other programmatic elements are part of your community policing philosophy?

CARROLL: In line with our involvement with the community, Police and Community Together, we're starting up a citizens' police academy. We hope to recruit people from a cross-section of the community to partake in the academy and become supporters of our efforts and build up a real partnership with a good number of people in that respect.

Another thing I'd like to do came to me while I was jogging. I thought about the perception of crime and instituting something to deal with that perception. We'd like to start an off-duty club with police officers, which I'd have my foundation sponsor. It would involve police officers off-duty, of which, I think, well over 50 percent live in New Rochelle. They can get involved in either walking, cycling or jogging, and they would

our training. We talked about establishing quote, unquote, community policing, and if you don't know how to talk to people, how can you go forward? I mean, we told them about problem solving; we told them about networking and contacting the community and so on, but if officers can turn off somebody, then we're just spinning our wheels here. So that was a key element. And when I found out about Verbal Judo, I was definitely convinced that this was what we needed here. Every officer has a card that he's supposed to carry, which mandates how you stop a motorist. We don't allow for discretion in that. When you stop a motorist, the first thing out of your mouth is who you are, what department you're with, and why you stopped that person. Most people complain that they're stopped and not told why. So these are mandated procedures unless it's an emergency. After that, he continues. So those are some of the things that we got out of Verbal Judo, which we felt were very powerful.

LEN: What about higher-ranking personnel? We understand you sought funding for executive-level training. Do you know what form that training's going to take?

CARROLL: Well, when I came here, I found that my captains don't get any more training. Even the lieutenants and sergeants got just their basic in-service training here, as did lots of people on staff. So we got them into New York City's Executive Development Program down there. In addition, using contacts throughout the country, we're looking for everyone that's at the forefront of communications, community policing, technology and different skills like that. I will be sending teams of captains and lieutenants to each of the locations we identify to spend several days with that agency, learn from them, and bring back anything we could utilize in our department.

One thing I learned in going through that program myself is that once I didn't have to go any more, I appreciated it more by going back. I would hope that others would appreciate it, too. Some of them sit there and gripe or grumble, I don't know if they appreciate the opportunity that's been afforded to them because so many other departments don't give you the chance to go and hear different guest speakers or different theories or updates of what's going on in the police world.

LEN: In terms of the politics involved, how would you compare

New Rochelle seemed to be waiting for a change. They were open to anything, and whoever may have been skeptical, once they start to see the plusses. . . things started to open up; people started to believe in it.

wear hats and shirts identifying them as New Rochelle police officers, something along the lines of preventive patrol. We'd advertise in the papers, and people would begin to learn that these are police officers, and they'd feel a little safer seeing them out there. The officers would be telling people they're off duty in a sense, but they're still police officers. They'd be willing to help if you really needed them.

LEN: How confident are you that your officers would want to do this?

CARROLL: Pretty confident, because right now I have beat officers on bikes, and they love staying in shape anyway. So we have a good group right from the beginning that will get involved. What I'm going to try and do is get other people that have been sort of sedentary, and not only will it be a betterment for the community, but for them as well, because we'll hook up with New Rochelle Hospital, and we'd get quarterly checkups on their blood pressure and so on.

The good thing about being mobile is just the people seeing you. It's very hard to gauge. Take a female jogger, for example. If she comes across a few people she feels uncomfortable with, then all of a sudden she sees a couple of officers in their off-duty club shirts, she's going to feel better. It's something you can't measure, but you know it's out there. Since we have police officers in the community, I want to give this a shot. I'll be part of it myself because I jog and I cycle.

Building a better officer

LEN: You've instituted a number of improvements in training, including a program in Verbal Judo. Has that been successful?

CARROLL: That was a key element that was really missing in

your role as a New York City precinct commander to that of a police commissioner?

CARROLL: It's a little similar. In New York when you have a precinct, you're dealing with the local Congressperson, Councilperson and Assemblyperson, and if it's a very sensitive community, you get more input from the political end of it. Sometimes it involves working on a sensitive issue with the Mayor's office. There's a lot of pressures in the Police Department because of the hierarchy involved. You get it from the Police Commissioner on down, and every move is always quoted as career-threatening. So you don't so much have that career-threatening element here. If you're making the wrong moves, it's perhaps job-threatening, in that sense. I try not to get political at all, but the reality is that many things have political overtones, and you have to balance it. You have to find the balance in your decisions because the politicians need victories themselves in order to get re-elected, and they're looking for the Police Department in many respects to get them that.

LEN: You recently attended an NYPD-sponsored internal affairs conference, at which police officials talked about bringing captains into the loop when it comes to internal investigations of officers under their command. Would such a policy have helped you as a precinct commander?

CARROLL: Oh, sure. We always felt that we were out on the limb because we didn't know what was going on in our commands. And even if you had an inkling, it wasn't enough to help you. I think back to the 7-7 Precinct case there. The commander had an idea that things were really not right, and he was making reports. But he still took a hit for it. It was a

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Interview: Commissioner Pat Carroll

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terrible managerial principle to give you all that responsibility and accountability, and not give you the support you needed to run the command properly and know your personnel. And you probably could have helped Internal Affairs, too, with that kind of cooperation because no commander wants a rogue cop in his command, and he wants to set the tone. So I think it's a great thing they're doing now in opening it up. You may lose a little here and there as far as the confidentiality, but I think the gains far outweigh that.

LEN: Your old command, the 7-5 Precinct, was once home to Michael Dowd, the renegade cop who became a centerpiece of the Mollen Commission investigation. Was he there while you were C.O.?

CARROLL: No, he had just left. He slipped through the crack, and he got himself reassigned and out of the way. That was a total debacle. He really should have been caught right then and there, probably right around 1987 or '88.

Coming forward

LEN: What can be done to make people less fearful about coming forward with information about criminal activity? In the 7-5, for example, residents are not so much afraid to talk to cops as they are afraid that the system won't protect them if they come forward. . . .

CARROLL: It was a violent area of the city, and people were very legitimately terrified to make reports, yet we did get a lot of civilian interaction. You just had to reach out to them and

as attractive as possible so that when we do get people they wouldn't want to leave, and they'd enjoy their police work up here. So I try as best I can to make it a full-service agency. We instituted bike patrols and a harbor patrol. We started a Critical Incident Unit, using forfeiture funds to equip a vehicle and bring in new equipment. It's something that I think every police department that can afford it should have, because one of the things you find is that even in community policing, where you're trying to bond with the community and gain their confidence, you can have one bad shooting or one bad case where the officers weren't trained properly or didn't have the right equipment, and then you lose it all.

LEN: To this point, do you think that the things that you've done in the department are helping to keep officers from leaving for other agencies?

CARROLL: I'd like to believe so, because they're getting training they never had, they're getting equipment they never had, and they're getting more opportunities to do different things that they didn't have here before. When you have a small agency, and the promotional opportunities are so limited, it gives them something else to look forward to down the line. The whole key is trying to give them more job satisfaction. I'm hoping to make my agency more desirable than the one that's trying to take my officers away. Some of them do have the advantage of being able to offer more money, but that's about all they can offer. I don't think there'll be an agency up here in Westchester County that will be able to give better job satisfaction than they can get here.

LEN: Do you anticipate seeking any of the available Federal

time we gave an exam, there were 5,000 applicants, 3,400 showed up, and half of those failed. That's a very high failure rate, but it was not an easy exam. Now we have a list of 1500 people, and over the next four years we'll probably reach only reach about 100 of those. So we're able to screen out as best we can.

Shock waves

LEN: Recently, two white New Rochelle officers were indicted for allegedly raping a black civilian employee. Could you provide some of the details on that case, and describe the kind of impact it's having on the department and the community?

CARROLL: It was almost devastating to our community relations effort by the way it connoted possible racial overtones, which we eventually straightened out. There was nothing racial in it. I have to say, though, not talking about who is guilty or innocent, many of my officers and the community as a whole were dismayed over the whole incident because it was a kind of thing that shouldn't happen in police work. We're held to a higher standard because we're supposed to present ourselves without even a sense of impropriety. It brings us to the heart of recruiting and selection process, and in that vein I would just mention that, as part of the recruitment process, I subscribe to the biological postulate that states something like ontogeny recapitulates phylogeny.

LEN: Once more, for the benefit of readers who are not familiar with that adage. . . .

CARROLL: Ontogeny is the individual organism and the birth of that organism sort of restates or recapitulates phylogeny, which is the whole race itself. I look at the phylogenetic aspect of it as the history of the police department, and the mission of the department to protect, to serve, to be fair constitutionally and so forth. Then we take an individual from society — the recruit or, if you will, the ontogenetic entry — and we say, "You're going to be able to do all of these things." We give them six months training and then we send them out, and we get very disappointed when these things don't happen, when they don't live up to these standards. There's something missing in the whole mission, the history, the phylogenetic body. When you look at an Ivy League school or a West Point, they have this already. When the individual goes to these places, that person falls in line with a very high standard. That's the same thing that I'm looking to do in our Police Department. I'm assuming that the core is solid, that the mission is on track. The entry tests today are ridiculous; they don't test for the individual that you want to fulfill that mission.

LEN: What are you looking for in a recruit?

CARROLL: We're looking for individuals whose backgrounds show that they can handle people, that they can talk properly, that they have a sense of discipline developed over their lifetimes, that they've demonstrated their reliability, and that through the proper training they will be able to join the rest of the department and fall in line with what we're hoping to accomplish — giving a service to the community.

What does policing want?

LEN: Do you think the police profession can articulate the kinds of qualities it seeks in a person, given that testing procedures are usually designed more to weed out rather than to screen in?

CARROLL: I think it's very possible; it has to be very innovative, though. For example, we have blocking in New Rochelle, where everyone from 100 to 95 is all in the same band, and whoever has 95 gets picked first and so on down the line until you exhaust your list or whatever. What would serve the agency much better is to come up with a bottom line where you really feel this is the level of intelligence you want and you wouldn't want to go any lower. Use that in combination with some kind of very reliable personality profile — a model of the officer we want to serve the community — and somehow score that profile and then select. I think on a whole you'll have a much better police officer going into your agency.

LEN: In many departments around the country, the police have almost nothing to do with the written test. Should the police community perhaps take up that responsibility for test design and content, perhaps with the aid of people who are professionals in that field?

CARROLL: I think there are a lot of bodies out there that've

"As part of the recruitment process, I subscribe to the biological postulate that states something like ontogeny recapitulates phylogeny."

work with them enough. We had enough people there that did report crime and drug sales. Of course, you could have had a lot more. It's one of the poorest communities in the city, but it has a lot of heart.

LEN: In yet another idea apparently taken from your New York City experience, you have formed a police foundation in New Rochelle, which you noted in passing earlier. How is that going?

CARROLL: You're right — I do take the best out of New York City! I take what works, and what I think will work up here, and I'll give it whatever twist is necessary. Sometimes we come up with some very nice things.

The Police Foundation in New York City does wonderful things for the department that normally couldn't be done because of budgetary constraints. I thought that might be a good idea up here since you do have budgetary problems in cities like this. So far it's been very successful. For example, all of the bikes that we have — we have 10 bikes on patrol — have been donated through the foundation. We got our Verbal Judo training partly donated through the foundation, along with radar for one of our boats. There's a lot of things we can do to save the taxpayers money that we don't have to go to the budget for, and the foundation is a great way to go because it enables us to do those things without taxing the ordinary citizen.

Too good to pass up

LEN: New Rochelle, like many cities, has experienced problems with recruiting and retaining minority police officers. What's unusual about the problem as it has affected your city?

CARROLL: Up here in Westchester and Rockland counties, police officers can laterally transfer. What would happen to a city like ours, where we needed minority representation, is we would go out and really put forth a great recruitment program, get enough people to take the test, hire them, and put them through training, and other places up here would then steal them away. They would make them an offer because they needed minorities, and their pay may have been more attractive, so you'd lose them. It's really tough on an agency because there's not all that much you can do about it.

LEN: So what do you do?

CARROLL: One of my thoughts was to make this department

funds for police hiring?

CARROLL: We would like to have gotten more police officers, but the matching-fund requirement wasn't so great for us. We would have had to put up about 40 percent, and the city is in a financial bind, so we couldn't afford to go that route. We did put in for a \$450,000 grant from the COPS Ahead program, which would enable us to hire upwards of 10 more civilians to free up some of our police officers, and at the same time, we would computerize every one of our cars with laptops. That would free us up for at least an extra hour a day of patrol, which we could devote to more community involvement. So we're very excited about this grant. We're waiting for a response from Washington, and we're keeping our fingers crossed for that

LEN: But you don't expect to be seeking funds for direct police hiring?

CARROLL: I'm going to request money for five officers, but I'm going to ask them to waive the matching funds from the city. That's the only way I can get them because we just took such a tremendous hit here in Westchester County with the tax base and everything, and we're under stringent guidelines not to raise taxes.

LEN: What happens if the Feds say no to waiving the matching-fund requirement?

CARROLL: Well, I don't think I could increase my budget that much. It's just a lot of money for my budget, so we probably couldn't do it.

LEN: When you do have the opportunity to hire, are you generally content with the quality of the people you get?

CARROLL: The nice thing about a small police agency is that I interview every applicant that we're looking to hire. I know the kind of cop I want, and I know what kind of officer I want working with the community. I ask some pressure questions, some "what if" questions, just go over their whole background questionnaire. And I really get a good sense if I'm comfortable or not with that person, as does my Deputy Commissioner. Then we discuss it afterwards. Of course, we also have the psychological to follow up on. If everything fits in, we'll hire; if not, we won't. So whatever person goes out there, I can blame myself if something goes wrong, because I agreed to hire that person. That's a nice thing with a small agency. The last

"I want the community to look at me and say 'He's being fair.' That's my goal, so that they know I'll do the right thing."

worked on it. Why can't we get an agency like NJ and PERF and a few others that are into research to come up with a model and an exam? We have the people out there who can develop these things. There is enough research going on out there and enough grants going on to select top-notch people and get a consortium of chiefs who know exactly what kind of officers are required in today's policing.

LEN: Getting back to the current case, some reports stated that drinking played a large part in the incident. . . .

CARROLL: That's correct. I think if all parties were sober, nothing would have ever happened, and it just shows what happens when alcohol is involved in police work, the disastrous effects it has. We've seen it time and time again where presumably "good officers" go down the tubes because of alcohol. I had a meeting with all of my supervisors and told them that my goal was to break down the subculture of drinking in the department. It takes some backbone, especially with the sergeants who are closer to the officers, to be able to stand up and say, "Hey, no drinking." It's a very difficult thing, but if the hierarchy doesn't allow it and doesn't condone it then things will get a lot better.

LEN: Putting the criminal indictment aside, is the department prepared to take administrative action against these officers if warranted?

CARROLL: Definitely, because the administrative charges really go to the heart of conduct unbecoming an officer and how they conducted themselves in this whole incident. Is this the kind of police officer we want representing New Rochelle?

No racial element

LEN: This could have been interpreted as a racial incident, yet it wasn't. How did you avert that possibility?

CARROLL: First of all, we were able to interview the victim and have that person make a statement emphatically saying it wasn't racial, and then we had to get that message out to the people in the community. I met with the members of the community on three different occasions to explain that. Another thing that compounded it was that we didn't have the officers

arrested immediately, and it was felt that had it been a black person, he would have been arrested immediately. We had to explain the process of gathering evidence for a grand jury, the fact that the officers weren't going anywhere, and that we knew who the people involved were. To be fair to all parties without labeling one guilty, we decided to do a thorough investigation, get everything presented to a grand jury and spare the victim the appearance of a felony hearing.

LEN: The victim reported the incident not to the New Rochelle Police Department, but to officers in the Bronx. . . .

CARROLL: There's some fuzziness here about exactly what happened. She had called the New Rochelle Police Department and told a friend what happened, and that friend notified the desk office. When she found out that the police may be coming to her house, she panicked. She was just terribly upset. She drove and ended up in the Bronx and stopped a police car. There are discrepancies on both sides as to what she actually told them and what they said. It's very unclear at this point, so I couldn't comment on that.

LEN: Could there have been an element of fear on the victim's part that her allegations against two officers might not have been taken seriously by the New Rochelle Police Department?

CARROLL: I don't think so. The way it unraveled was so spontaneous that there wasn't even time for that kind of thought. From watching what went on in this investigation and several others involving people in the community, the detectives are able to separate themselves. The captain in charge and the lieutenant can monitor to make sure that the job is being done properly, and they will put the right detectives on the case who can do a fair and impartial investigation. In smaller departments, you sometimes have to go outside to do that kind of investigation, but we couldn't even consider doing that in this case because that would show that I have no faith in my own detectives. They did an incredible job on this whole case.

LEN: Do you feel you're getting a grip on damage control in connection with this incident?

CARROLL: I think so, pretty much. I want the community to see that they can look at me, not see color, and say "He's being

fair." That's my goal, so that when they do have any problems like this, they can talk with me and know I'll do the right thing.

Hard work & setbacks

LEN: A picture of you on a recent newscast made you look saddened and ashamed by the whole thing.

CARROLL: You hate to see a community blow up over it and you want to work hard. The clergy has come together and put aside any differences that they had, and that's the kind of marshaling of energy you need to accomplish things. One reporter asked me, "Does this really hurt you?" I sort of banged my head on the desk and said, "Yeah, because we're putting a lot of energy into our whole philosophy of policing a community together." This set us back years.

LEN: Even with setbacks, it does sound as though quite a lot has been achieved in the short time you've been there. . . .

CARROLL: Yes. It was like a virgin territory waiting, you know? We're now looking to upgrade the quality of our staff people. Everyone's moving ahead; any innovations that we feel we can use here, we're going to try and do. And it's a very doable city; I can't identify one problem in New Rochelle that's overwhelming. Everything here is solvable, which is great, because it fits in with problem-solving. I think the staff realizes that and they're anxious to confront these things.

We're enjoying our successes. It all comes down to what's known as "incremental improvement" — every day we like to do a little better. Probably the hardest thing to get across to your staff when you come into an agency from the outside is to convince them that I'm not attacking you as an agency and saying you weren't doing a good job or anything. I'm trying to tell you we can do it better. You have to constantly keep changing. Everything you do in here might be okay, and you may not see a need to change it, but we can do it in less time or in more efficiently, or we may not even have to do it at all. What I'm doing is taking the best of New York City that I can use up here, and taking the best of this department and combining it. We do have some very fine things in this department; including a very fine staff that's well educated and well disciplined. So I came into a very good situation here, and I want to build on that and make it grow.

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Nemeth:

Screams of warning in cyberspace

By Edward P. Nemeth

From the distant reaches of the information superhighway, we hear screams of warning: "You have three choices: 1) Take a little time to learn how to use the new technology; 2) Be dragged kicking and screaming into the 21st century; 3) Ignore it, fail and let someone else eat your lunch." It's my job to explain just what those screams mean.

A computer, a modem and a professional bulletin board service enable us to exchange ideas, share information and work smart. An electronic bulletin board service (BBS), or on-line service, is a centralized service that individuals with a simple computer and an inexpensive modem can dial up over a standard telephone line. Users can upload information, download information, answer polls or questionnaires, leave messages for others in various areas, send private electronic mail and exchange files with other users.

On the BBS side, a computer is hooked up to a network of modems and telephone lines. Generally, on the user's side there is one computer, one modem and one phone line. When a user calls the service from almost anywhere in the world, the BBS appear on the screen.

Consider the following information-sharing benefits of such a system:

¶ **E-Mail:** Electronic mail can be privately sent to any other user of the system. It is easy to define your group of recipients so that you can globally send an electronic message to as many as 40 users at one time. A support or professional organization, such as the National Emergency Number Association, the National Sheriff's Association, or the American Jail Association, could define its membership and send information on training, available publications and meeting notices without the need for costly printing or mailing charges.

¶ **File Libraries:** A BBS usually maintains a group of file libraries that contain such things as standard policies and procedures, photographic material, computer programs, and related data. The user can download these files and eliminate the need for costly and time-consuming copying and mailing of information.

¶ **Message Forums:** It is obviously beneficial to have public message forums that permit professionals to communicate with thousands of others globally on such topics as jail manage-

By the year 1999, 99.53 percent of the criminal justice system will be modem literate. The time to investigate the possibilities is upon us.

ment, training, investigations, gangs, coroner's interests, community corrections alternatives, crime prevention, or emergency service dispatch.

¶ **Information:** With the use of a BBS we are able to have access to information files that outline quick, easy ways to accomplish a task. These entries change from time to time to suit our immediate needs.

¶ **Teleconferences:** The ability to be on line with other professionals at the same time and

teleconference with them regarding any topic of current interest significantly enhances our response to societal problems. The advantage of this type of teleconference is that participants can record the conference and each person "speaks" independently of the others so each person's point of view is outlined.

¶ **Data Bases:** Data bases can be available to us that contain data such as membership rosters for all sheriffs in the United States. Another data base, providing information on all of the 3,000-plus jails in the country with their current status, size, manager and staff, would certainly be of benefit. Any data base that would be of use to system users could be developed, and we could thereby reduce the time we devote to acquiring information.

Our Electronic Future

Recent statistics suggest that 10 percent of the American public is modem-literate. When we enter the field of criminal justice, that percentage climbs dramatically. It is estimated that over 40 percent of those in the criminal justice system are computer- and modem-literate. In addition, there is an annual increase of 20-percent in modem literacy. Those figures suggest that by the year 1999, 99.53 percent of the criminal justice sys-

tem will be modem literate. The time to investigate the possibilities is upon us.

With the advent of graphic user interface BBS's, you can move around a BBS with your computer mouse in much the same way you can with America On-Line, Prodigy or CompuServe. Many of the programs available today offer what is referred to as multi-media. This capability allows us to transfer graphic and sound files from one computer to another. Mug shots, fingerprints, voice prints and DNA profiles travel the information highway and you can be in the driver's seat. Anyone in the criminal justice field has an open invitation to use a computer and modem to contact the National Justice Centre BBS at (216) 740-2126. It's a trip worth taking, and all you pay for is the phone call.

If any or all of this sounds complicated, any modem user or computer store will gladly help you with the initial set-up and teach you the ropes in a half-hour or so. It's the best half-hour investment you'll ever make in the criminal justice field.

(Edward P. Nemeth is the Sheriff of Mahoning County, Ohio. He designed and currently operates the National Justice Centre electronic bulletin board service.)

Warner:

Congressional Waco hearings: second-guessing & grandstanding

By John Warner

The recent Congressional committee hearings into the 1993 siege of the Branch Davidian compound in Waco, Texas, appear to have had the objective of second-guessing and criticizing the actions of Federal law enforcement agencies. The hearings have proven themselves counterproductive, unnecessary, and shameful.

I am not going to rehash the overreported and

(John Warner was a career agent and official with the Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement Administration. He retired from DEA as the agency's Director of Foreign Operations.)

overinvestigated details of the initial raid on the Branch Davidian compound. However, I do want to point out the inane reasoning and grandstanding exhibited by some committee members and self-appointed "experts."

There can be no excusing the serious mistakes made by Federal law enforcement officers in planning and conducting the initial raid on the Waco compound. Reviews and investigations by the duly constituted authorities have been held and appropriate disciplinary measures were taken. Yet in all the reviews and investigations that have been conducted, no information was developed that would indicate or justify a compelling reason for constituting a Congressional "oversight"

hearing. The committee members' waste of time, and that of the witnesses, is unnecessary, as is the squandering of taxpayers' money.

As far as the situation after the initial raid is concerned, the FBI, after exhausting all means to achieve a peaceful resolution, was fully justified in terminating the siege with the insertion of CS tear gas. It is a relatively harmless method used in riot control and, under certain circumstances, to force barricaded individuals to surrender.

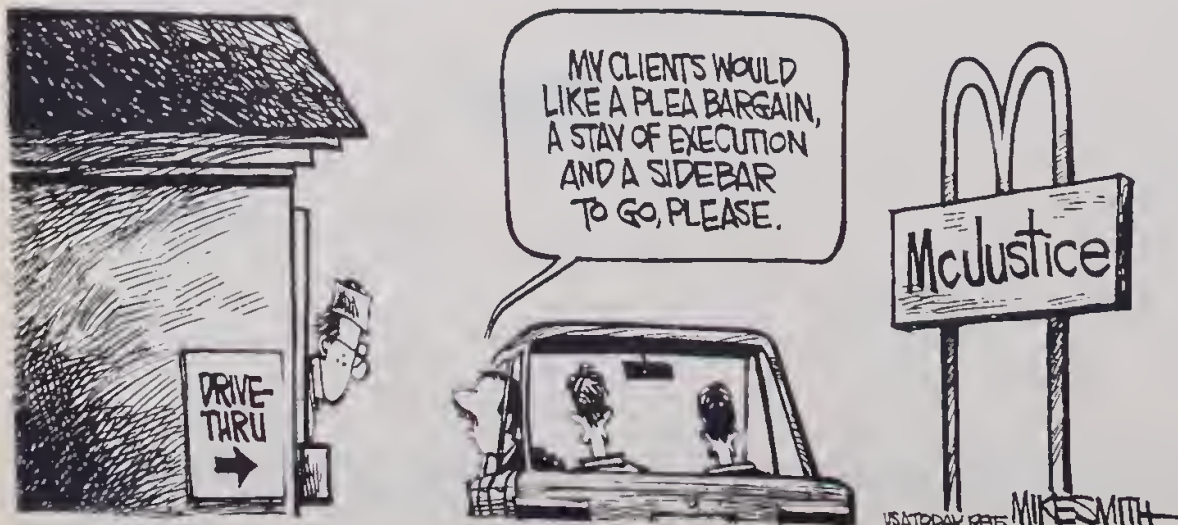
It would be welcome if some of the committee members were to bear in mind that the standoff had already lasted 51 days, that four ATF agents had been killed attempting to serve a legal search warrant, and that skilled hostage negotiators, psychologists, lawyers sympathetic to David Koresh, and other experts had failed to get the Branch Davidians to surrender. Furthermore, numerous opportunities had been given to the persons in the compound to leave it.

The evidence is compelling that the Branch Davidians staged an armed insurrection against the lawful authority of the United States Government. It was the obligation of the constituted agencies of the Government to overcome this insurrection using the minimum force necessary to achieve the objective. The terrible outcome clearly was the result of a deliberate action by the Branch Davidians who refused to surrender and set the compound ablaze.

It is regrettable that individuals on the committee and in organizations hostile to law enforcement are shedding crocodile tears for the Branch Davidian law violators and murderers, even whispering of the possible applicability of the law of self-defense for them. It would be more appropriate to mourn the real victims — the slain

Continued on Page 15

ONCE THE SIMPSON TRIAL FINALLY ENDED, IT WAS INEVITABLE THAT THERE WOULD BE CHANGES IN THE CRIMINAL JUSTICE SYSTEM.



Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Why does the NRA love to pick on ATF?

Congressional hearings on Waco appear to backfire on gun lobby

What is there about the dedicated agents of the Bureau of Alcohol, Tobacco and Firearms that drives the National Rifle Association's leadership up the wall? Could it be a case of wanting to kill the messenger, with ATF in the role of

BURDEN'S BEAT

By Ordway P. Burden

messenger whose duty it is to enforce Federal laws that the NRA doesn't like?

The Waco Congressional hearings were born in large measure out of the desire of the NRA's leaders to nail ATF to a cross as a violator of the rights of innocent citizens. In the process, some sleazy tactics were used. In some cases, people working for the NRA reportedly misrepresented themselves in interviewing people who might be able to give evidence for the hearings that would be detrimental to ATF. Perhaps the most serious such alleged deceit was perpetrated by an NRA consultant named Fran Haga, who told a social worker who had investigated reports of child abuse at the Branch Davidian compound that she was "a member of the Waco hearing team that is putting together the hearing." Only after the social worker persisted in questioning Ms. Haga did she apparently admit that she was working for the National Rifle Association.

In another case, the NRA hired a firm called Failure Analysis to go along with Republican Congressional staff members to help examine weapons found at the Waco site. Nothing wrong with that, perhaps, but the NRA reportedly tried to conceal from Justice Department representatives at the scene that Failure Analysis was in the employ of the NRA.

If the NRA had hoped to discredit the ATF completely

William M. Kunstler, 1919-1995

As this column goes to press, I have just learned of the death on Sept. 4 of William M. Kunstler.

My association with Mr. Kunstler dates to the spring of 1976 when I was an adjunct assistant professor at John Jay College of Criminal Justice. William Kunstler accepted my invitation to discuss with students the constitutional issues pertaining to wiretapping. Those of us privileged to have seen him in action, however briefly, can attest to the extreme intelligence of this controversial giant in the legal profession. I mourn the loss.

— Ordway P. Burden

over the Waco tragedy, it failed. Its efforts to some extent when its tactics were revealed. And, of course, it became clear during the hearings that Branch Davidian leader David Koresh was not the saintly martyr some made him out to be. His cover was blown early on when a young girl testified that she had been forced to have sexual relations with Koresh.

There is a school of thought that believes the NRA's attacks on the ATF are a cynical ploy to raise money. Consider, for example, the fund-raising letter written last spring by NRA executive vice president Wayne LaPierre, in which he referred to "jack-booted government thugs... who, in Clinton's Administration... have the government's go-ahead to harass, intimidate, even murder law-abiding citizens." That letter

An NRA fund-raising letter referring to "jack-booted government thugs" whipped the membership into a giving frenzy at the expense of Federal law enforcement officers.

raised a million dollars for the NRA by whipping the membership into a giving frenzy at the expense of Federal law enforcement officers. LaPierre later said he didn't mean that all Federal officers were jack-booted thugs, just those in the ATF. Has anybody seen ATF agents wearing jackboots lately? In fact, has anyone been seen wearing jackboots since the Nazis of World War II?

I was delighted when John Whetsel, president of the International Association of Chiefs of Police, announced that the IACP would no longer accept NRA ads for Police Chief magazine and when the Secret Service banned the NRA from participating in its shooting competitions. Dewey Stokes, who recently stepped down as national president of the Fraternal Order of Police, described matters by saying, "Law Enforcement is a family, and when you attack one member you attack us all." Amen to that.

ATF got some welcome backing from its Cabinet-level overseer, Treasury Secretary Robert E. Rubin, at the national conference of the FOP in late July. Rubin conceded that mistakes were made in the ATF raid on the Branch Davidian compound, but he said, "The more I looked into Waco and the more I learned, the more I became convinced that ATF needs and deserves our full support."

The National Rifle Association's enmity for the ATF goes back to the Gun Control Act of 1968, which was the most sweeping Federal gun-control legislation in at least 30 years,

and which the NRA opposed. At the time, the NRA's image was benign, and the organization was seen as the nation's best advocate for firearms training and safety, and as a friend of hunters and target shooters — not as zealots with tunnel vision focusing on the Constitutional right to bear arms according to their interpretation of the Second Amendment.

Over the years, the NRA's top leadership shifted steadily in the direction of zealotry. During most of that period, police executives tended to be friendly with the NRA because it was a friend to law enforcement. That began to change in 1985 when, incredibly, the NRA opposed a ban on armor-piercing bullets. The only purpose of such bullets was to make it possible for bad guys to kill people who wore body

armor, which means, 99 percent of the time, police officers.

The NRA's position on the "cop-killer bullets" had one good effect. For the first time, law enforcement leaders got their act together and were instrumental in winning passage of a bill to ban the bullets. It was also the first legislative defeat for the NRA in some years. More recently, of course, the NRA lost on the Brady Bill and failed to defeat the ban on assault weapons, but the battles are far from over.

The NRA's rank and file are not necessarily buying their leaders' arguments about "jack-booted thugs" in law enforcement. A Time/CNN poll of 600 gun-owners last spring found only 12 percent approving such language while 68 percent disapproved. Only 60 percent had a favorable impression of the NRA — not far from the 54 percent who had a favorable impression of the ATF (The FBI was better yet, with 70 percent reporting a favorable impression.)

Before NRA members deluge me with accusations that I'm just another NRA-hasher, I should point out that I'm a benefactor member of the National Rifle Association. It grieves me that I'm no longer entirely proud of that fact.

(Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 24 Wyndham Court, Nanuet, NY 10954-3845. Seymour F. Malkin, the executive director of LEAF, assisted in the preparation of this article.)

Letters

The hole truth

To the editor:

An article entitled "Massachusetts Patches Up Holes in Body-Armor Reimbursement Program (LEN, June 30, 1995) claims that "Police Body Armor Standards and Testing," a report of the Office of Technology Assessment of the U.S. Congress, "determined the [NIJ] standards were flawed and yielded inconsistent and invalid results," and that it "directed NIJ to correct the problems, but manufacturers claim the recommendations have been ignored." In fact, the OTA report did not say the NIJ standard was flawed, and we meet regularly with manufacturers and law enforcement personnel to address concerns they may have about our standards.

What the OTA report actually said is that limitations in the current NIJ standard are reasonable and do "not require revising the current standard." In fact, the OTA report offers opinions, not recommendations, and directs no action.

Here are a few of the things the report actually says about the NIJ standard:

"If validity is accepted with little more statistical confidence than the minimum required by NIJ, it cannot be argued that the test is (much) more stringent than necessary to meet the safety goals. To charge excessive stringency would be to charge that NIJ requires greater safety for wearers than the critic deems appropriate. It should be recognized that this is an essentially political issue, not a scientific one." (Vol. I, Page 19.)

"One option is to postpone any change to NIJ Std. 0101.03 and the current method of certifying compliance with it. The argument for this is that armor of styles certified to comply with NIJ std. 0101.03 has saved many lives and is not known to have failed, in actual assaults, to stop any bullet of a type that it was certified to resist, nor to prevent lethal blunt trauma. Yet the criterion for protection from blunt trauma is not so strict that many models fail it: as of Oct. 31, 1991, of the 555 models submitted for testing for NIJ certification of compliance with the .03 standard, only 15 failed solely because of excessive back face signature (BFS), the test's index of risk of blunt trauma." (Vol. II, Page 85.)

"[A] test could be conducted by the manufacturer or by an independent ballistic laboratory under contract to the manufacturer. A manufacturer could truthfully certify a model of armor to comply with NIJ Standard 0101.03 even if it failed the test repeatedly before finally passing it. Partly because of this, a manufacturer's certification, by itself, may provide little assurance of design quality. However, manufacturers (or any other interested party) may submit samples of a model of armor to NIJ for NIJ-supervised testing by an NIJ-approved independent laboratory and, if it passes, for certification of compliance by NIJ.... Consulting NIJ's Consumer Product List is the only sure way to determine whether NIJ has certified compliance with NIJ Standard 0101.03; this cannot always be determined from the label. Some marked armor is certified only by the manufacturer and not by NIJ." (Vol. I, Pages 7-8.)

The OTA report did suggest that to "avoid future controversy over such matters, NIJ should specify the levels of statistical confidence and statistical significance it deems appropriate for deciding validity." But it also noted that it "may, however, take months or years to collect enough data to decide the validity of a test with confidence or significance required. (Vol. I, Page 18.) The report also noted that:

"NIJ's certification procedure certifies adequacy of design. It does not assure product quality, nor does it prevent fraud in the marketplace. It attests that a few samples of each NIJ-certified model *did* pass a test specified by the NIJ standard and implies other samples *could* also pass the test if constructed in the same manner as the original samples. But certification provides no assurance that they are so constructed." (Vol. I, Page 27.)

That is why NIJ immediately follows up on any reports of potential problems from the field and why NIJ is working now to develop a quality assurance program to ensure that any vest — not just those that go through the initial compliance test — can meet the standard.

Over two years ago, NIJ initiated efforts to make it easier for manufacturers' concerns to be heard by creating the National Armor Advisory Board. The membership of that board includes law enforcement representatives, the manufacturers of the ballistic fibers and fabrics, and body armor manufacturers. This board meets regularly and every manufacturer in the United States has been invited to submit suggested changes. To date, not a single recommendation for a change in

the standard has been submitted by anyone! NIJ has, nevertheless, continued to look for ways to improve the safety and comfort of body armor.

NIJ is now working with funding provided by the Advanced Research Projects Agency of the Department of Defense to create the foundation for a whole new generation of lighter, more comfortable vests that provide better coverage than is currently available. We have done extensive research into making body armor more resistant to sharp objects, and we continue to explore whether there might be newer, better materials suitable for use in soft body armor.

NIJ standards are not static. We are always open to well-considered suggestions for improvements in the standard and are currently undertaking a comprehensive review of all of the nearly 100 NIJ standards — not just the body armor standard. Nevertheless, NIJ standards are tough, and they are made tough for a reason. We simply cannot afford to take chances with equipment police rely on to save their lives. As the OTA report put it:

"Only a tough vest can pass a tough test. Few would argue with the idea that vest testing and design ought to include some element of conservatism: nobody would want a vest labeled, 'Guaranteed by the U.S. Government to pretty much protect the wearer most of [the] time from average ammunition.'" (Vol. 22, Page 60.)

DAVID G. BOYD

Director

Office of Science and Technology
National Institute of Justice
Washington, D.C.

Police still struggle with disabilities act

Continued from Page 1
a disability."

Tests for illegal drug use are not classified as medical exams or disability-related inquiries under the ADA. Nor are agility tests, which, according to regulations promulgated by the Equal Employment Opportunity Commission, "may be given at any point in the employment application process." However, agencies are barred from measuring an applicant's physiological/biological responses to performance because that would be considered medical, Rubin wrote in the NJU monograph.

"One solution to this problem is to provide applicants with a detailed written description of the test and require that they get a note or certification from their doctor that they are able to take the agility tests," Rubin wrote.

To help police departments comply with the ADA, which can be difficult

to interpret, the Police Executive Research Forum (PERF) designed a model policy that was issued in 1992. Prepared under a grant from the Department of Justice, the model policy offers recommendations on everything from employment issues to how departments should approach suspects and arrestees with disabilities.

Darrel Stephens, the Police Chief of St. Petersburg, Fla., who helped design the model policy while he was executive director of PERF, agreed that stopping the practice of giving police applicants medical tests before a job offer is made has been the biggest impact the ADA has made on hiring practices.

"The order of those things changed to be in compliance with the requirements of the ADA," Stephens told LEN. "In the past, if applicants failed the [medical] test, they weren't given the offer of employment. You didn't

make somebody an offer of employment and then go ahead and do the physical — you did the physical first," he explained.

While PERF's model policy may help to guide law enforcement agencies attempting to comply with the ADA, the New York City Police Department has gone a step further in sorting out the intricacies of the law. The department is currently in the process of hiring an outside consultant to develop physical, medical and psychological standards for police applicants.

"Really what is going to be at the core of the effort is state-of-the-art job analysis," said Lieut. Christopher Sullivan of the NYPD's Personnel Bureau. Sullivan said that in order to meet the requirements of the disabilities act, the department must design tests that can individually assess each applicant.

"What's needed in order to do the proper individualized assessment is a job analysis that gives as much information as possible about how the test is performed, what environmental conditions occur when the test is performed. It's much more of a thorough assessment of the physical demands

that have been available to test," Sullivan told LEN.

Before the ADA was enacted, departments could set physical standards for police jobs and disqualify candidates that did not meet those standards. "That is no longer permissible," Sullivan said. "Each case has to be assessed individually."

Sullivan used the example of an applicant who may pass all physical, medical and psychological tests, but is missing a finger on his nonshooting hand. In the past, a police department could disqualify the candidate for the missing finger if agency guidelines covered such a disability. "He would be disqualified by that kind of a guideline, so the law is written to cover him," he explained.

Since little case law exists pertaining to the ADA and police hiring procedures, Sullivan said it is difficult to design proper standards. "There is... very little guidance that [dictates] exactly for each of many conditions that an individual can have. It's something that needs to be developed," he said.

The ADA also stipulates that the tests given to job applicants must match the demands of a particular job. "Testing has to fit the job and that's what [employers] have to do," said the FOP's Robbins. "They have to look at what the prospective employee is going to do and then they have to tailor their physical standards to that job. An entry-level officer might be required to do 50 things, while a detective might only have 20 things to do."

If there's one thing on which police officials agree, it's that enforcement of compliance with the ADA's provisions will come through litigation. "I think litigation will be the source of guidance," Stephens said. "There is not a proactive effort aimed at forcing most of the federal legislation that applies to local governments."

Stephens believes that departments are complying to the best of their abilities, but noted that larger departments may have better financial resources to meet ADA requirements.

"I don't think it's a bad assumption that most of us are going to do the best that we can to implement the law

in the way that we understand it to be implemented," he said. "I would say that the majority [of police departments] made efforts to be in compliance, particularly the personnel, recruiting and screening areas are not quite as costly as some of the physical [structural] ones."

Since the ADA was enacted, police departments have spent substantial amounts of money and time to comply with the law's requirements. Along the way, the massive compliance effort has prompted many officials to question why police departments are subject to the same hiring requirements as other occupations and why these concerns weren't met before the ADA was passed.

"By the time that police and law enforcement really got involved in figuring out what the potential impact of the ADA was, it was already passed and signed into law," Stephens said. It's not that the law enforcement community lacked the opportunity to voice concerns to legislators before the ADA was enacted. Rather, said Stephens, there were more important items on the law enforcement agenda.

"There were other priorities. They [law enforcement leaders] were worried about crime legislation," he said. In addition, the resources possessed by law enforcement groups paled in comparison to the lobbying arsenals brought to bear by the special interest groups pushing for passage of the ADA, compounding the problems police faced in getting their concerns across.

"If you think about the amount of resources that are generally invested by the police and law enforcement in general in national legislative issues," said Stephens, "it's not a great deal of energy and effort."

Although Stephens says he believes there are some aspects of the disabilities act that Congress should re-examine, he insists that law enforcement must work to enforce the law as it was passed.

"It's incumbent on police departments and local governments and people in the private sector to look at those laws," said Stephens. "Once they are there you have an obligation to do what you can to be in compliance with it."

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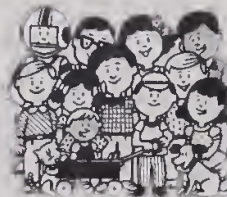
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19-20. Raid Planning, Preparation & Execution. Presented by Hutchinson Law Enforcement Training. Concord, Mass. \$175.

19-21. Street Survival '95. Presented by Calibre Press. Springfield, Mo. \$179/\$155/\$105.

19-28. Advanced Physical Security. Presented by the Federal Law Enforcement Training Center, National Center for State & Local Law Enforcement Training. Glyncro, Ga.

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26-29. Sex Crimes: Advanced Investigative Techniques. Presented by Rollins College. Orlando, Fla. \$325.

26-29. Basic Field Instructor Training. Presented by the Federal Law Enforcement Training Center, National Center for State & Local Law Enforcement Training. Glyncro, Ga.

27-29. 2nd National Community Policing Conference. Presented by the Portland Police Bureau. Portland, Ore. \$275.

28-29. Community Policing. Presented by Hutchinson Law Enforcement Training. Dorchester, Mass. \$175.

28-29. Domestic Violence/Child Abuse. Presented by Hutchinson Law Enforcement Training. Granby, Conn. \$175.

Forum: When Congress tries to get to the bottom of Waco

Continued from Page 12

and wounded ATF agents, and the children who perished in the compound. These children were too young to be able to make a choice to remain during the siege, or to escape from the compound.

One of the issues confronting the Congressional committee concerned the chain of command and at what level the tear-gas attack was authorized. Some members repeatedly queried the former Treasury Secretary and other officials as to why they had not objected to the FBI proposal to seize the compound through the use of tear gas. They failed to understand—or did not want to understand—that the decision was that of the FBI, duly coordinated with the Department of Justice. Once the initial attempt to serve the warrant had failed, the Treasury Department had relinquished jurisdiction to the proper agency. Only one agency can be in charge of an operation; joint responsibility leads to friction and is counterproductive.

It is also an accepted doctrine that it is a mistake to place tactical and operational decision-making in law enforcement matters at the Cabinet or sub-Cabinet level. These decisions must be made within the chain of command of the responsible agency, as close to the scene of action as possible. To expect political appointees, such as the Attorney General or the Treasury Secretary, to make tactical decisions is unrealistic and can be dangerous for the personnel on the firing line.

Whether the ATF, or any other Federal investigative agency (with the possible exception of possibly the FBI's Hostage Rescue Team) should ever conduct a raid of the magnitude of Waco against heavily armed and fortified offenders is a legitimate question to ponder. Most European countries have specially organized and trained military units for that purpose, such as Britain's SAS, the GIGN in France, and the GSG-9 in Germany. We, too, have an equivalent in the Delta Force, but have not utilized this capability in domestic incidents.

Kudos are due to the committee members on both sides of the aisle who are truly intent on obtaining the facts and who recognized from the outset

just who the White Hats and the Black Hats were. At this writing, the final chapter has yet to be written, but I venture to say that no evidence of a conspiracy by law enforcement will be discovered, nor will it be concluded that the FBI chain of command exercised faulty judgment.

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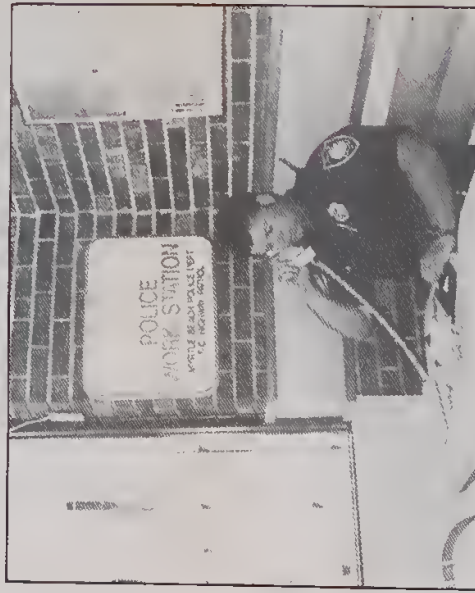
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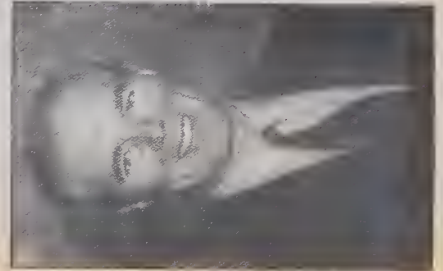
Food for thought:

In 7-11 stores & McDonalds restaurants, police are finding instant office space & new ways of promoting community policing.
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Standing Pat? Not this chief:

Commissioner
Pat Carroll of New Rochelle, N.Y., goes one-on-one with LEN.
Interview, Page 8.



A midsummer's nightmare:

While city officials are harshly criticized, Chicago's police are acclaimed as heroes for their response to a July heat wave that claimed more than 500 lives. A spokesman says it's "business as usual."
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